



# CITY OF SAN LEANDRO

## SMALL CELL DISCUSSION

FACILITIES COMMITTEE  
NOVEMBER 14, 2018

# MEETING AGENDA

- ▶ History & Timeline
- ▶ FCC Order and Impacts to City
- ▶ Review of Draft MLA with ExteNet
- ▶ Proposed City Ordinance
- ▶ Q&A



# HISTORY & TIMELINE OF EVENTS

- ▶ **March 1, 2017:** Mobilitie Presentation to Facilities Committee
- ▶ **October 15, 2017:** Governor Jerry Brown Vetoes SB 649
- ▶ **Nov 2017 – May 2018 (Approx):** City Staff Negotiate Master License Agreements with Mobilitie, then ExteNet. AT&T begins negotiations.
- ▶ **September 17, 2018:** City Staff present Draft MLAs; City Council votes to send back to Facilities Committee
- ▶ **September 26, 2018:** FCC Adopts Declaratory Ruling on Small Cell Deployments
- ▶ **November 14, 2018:** Facilities Committee Meeting (Today)



# FCC Order: New Regulations

“Shot Clock” Rules:

- ▶ **Collocation of small wireless facilities:** 60 days
- ▶ **Collocation of facilities other than small wireless facilities:** 90 days.
- ▶ **Construction of new small wireless facilities:** 90 days
- ▶ **Construction of new facilities other than small wireless facilities:** 150 days.

*Source: Summary of Proposed FCC Small Cell Order. Next Century Cities.*



# FCC Order: Declaratory Ruling

- ▶ **What is it?** FCC's interpretation of the 1934 Federal Communications Act that limits state or local regulations
- ▶ **What does it do?** Provides guidance on fees local governments may charge and how they may regulate issues such as tower spacing, equipment design and other aesthetic concerns.

*Source: Summary of Proposed FCC Small Cell Order. Next Century Cities.*



# FCC Order: Impacts to City

- ▶ Have to comply with Shot Clocks
- ▶ Effectively cannot say “No” to future permit applications
- ▶ Annual pole attachment fees “safe harbor” limit = \$270/pole/year
- ▶ Cannot require “like kind” public benefits
- ▶ City could face legal risk if not compliant
- ▶ Must have aesthetic guidelines and other local regulations published when the Order goes into effect (Jan 2019)\*\*\*



# Update on Negotiations (City) & Legal Actions (National)

- ▶ Mobilitie has withdrawn from the Draft MLA
- ▶ AT&T has ended MLA negotiations
- ▶ Verizon is no longer pursuing an MLA negotiation
- ▶ **ExteNet (present) is still willing to execute an MLA**
- ▶ Legal Actions: As of 11/6/18, Federal Appeals Court is hearing consolidated cases



# Review of Draft Master License Agreement (MLA)

- ▶ Local Outreach Process for each Site License
- ▶ Market Rate for Pole Leases
  - ▶ \$2000/year/pole with 3% annual increase
- ▶ Access to Fiber/Backhaul, if installed by provider
- ▶ Design Guidelines for Aesthetics
- ▶ Protection for Municipal Infrastructure (WiFi, Climatec, etc)
- ▶ Open Access, Co-Location; First come, first serve
- ▶ Long term agreement length for mutually beneficial partnerships





# City Small Cell Antenna Ordinance

- ▶ Must have local regulations published by Jan 2019
- ▶ Must be consistent with FCC Order
- ▶ Can include: aesthetic requirements, including pre-approval of antenna, equipment cabinet and street furniture designs
- ▶ Fee Schedule, including standard encroachment permit fee
- ▶ Spacing, public outreach, municipal infrastructure protections
- ▶ Cannot be perceived as a barrier to deployment
- ▶ Carriers can still enter into negotiations, but City Staff must weigh time to develop those with benefits being offered



# Q&A

- ▶ City Staff
- ▶ City Attorney's Office
- ▶ ExteNet (regarding Draft MLA)

