



September 25, 2017

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The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol Building, First Floor  
Sacramento, CA 95814

**Re: SB 649 (Hueso): Wireless Telecommunications Facilities  
Request for Veto- As enrolled September 21, 2017**

Dear Governor Brown,

The California State Association of Counties (CSAC) respectfully requests your veto of SB 649 by Senator Ben Hueso. This measure would unnecessarily curtail local governments' discretion in the leasing of taxpayer-funded public property and eliminate public input on "small" cell siting applications by requiring applications to be approved ministerially. Local governments support the deployment of new and forthcoming telecommunications technology, as demonstrated by their willingness to lease public property for installations similar "small" cells without any obligation to do so under current law. Unfortunately, SB 649 goes too far in limiting necessary local discretion and public review, and would actually hamper local efforts to close the digital divide and ensure equal access to technology throughout California.

By changing the permitting process from discretionary (conditional-use permits) to a ministerial (building/encroachment permit) process, SB 649 would actually hurt efforts for deployment to rural, unserved, and underserved communities in the Golden State. The measure eliminates any meaningful leverage afforded counties to negotiate with the wireless telecommunications industry for a variety of things, including deployment to areas the industry is not financially incentivized to invest in. The truth is that SB 649 simply rewards the wireless industry for their existing behavior of deploying their technology only where it makes the most financial sense for them to do so. By eliminating fair market rates and setting up an arbitrary attachment rate of \$250, wireless industry will get discounts well below market rate to more densely install their equipment where their customers are.

While the wireless industry is fully capable of delivering cellular equipment that are truly small or discreet when they collaborate with local governments, the plain language of SB 649 gives the wireless industry allowances for extremely large equipment. The measure allows six cubic feet worth of antennas and 21 cubic feet worth of equipment just on "vertical (pole) infrastructure," such as street and traffic lights. It also allows the industry to skip these sizes on the poles and instead place up to 35 cubic feet (about the size of a refrigerator) worth of equipment on the ground for each provider on every pole. In addition to this equipment, there are exclusions for at least eight "ancillary" pieces of equipment that have no size or quantity limitations. Again, the loss of any meaningful leverage to negotiate will means counties are unable to work with providers to deploy smaller and more discreet designs.

“Small” cells are not defined in this bill by any technology standard, but instead by the size of the equipment so long as it delivers “licensed and/or unlicensed spectrum.” In other words, these antennas that would be installed could be for the technology already being deployed today, it could be for antennas that deliver Wi-Fi signals, or it could be for even more basic radio signals. The standards for 5G are still being developed and is years away from being a reality. Despite their most consistent promise, at least initially, 5G is never even mentioned in SB 649.

SB 649 forces local governments to lease out public property funded by the taxpayer so that wireless corporations can install their equipment to sell their private services. By eliminating fair market rate leases for use of taxpayer funded property (including city halls, parks, county libraries, and “vertical pole infrastructure”), this bill effectively gives corporations discounted access to these facilities with no requirement to pass their cost-savings onto their customers. Only shareholders would potentially see returns from this sort of discounted access. Furthermore, rents from the use of public property, which every other for-profit business pays, help pay for essential public services, such as police, fire, libraries, and parks. SB 649 sets a dangerous precedent for other private industries to seek similar treatment, further eroding the ability to fund local services.

Lastly, by changing the permitting process from discretionary (conditional-use permits) to a ministerial (building/encroachment permit) process, SB 649 would effectively eliminate the ability for constituents to have a say over the character of their own communities (except for coastal zone and registered historic district communities that are carved out). Most troubling is the shift of power from the community and its elected officials over to for-profit corporations for wireless equipment installations that can often be controversial. Understanding the need to close the digital divide and the many benefits from wireless technology, local elected officials often help balance these needs with the concerns from their residents. Local residents and businesses need their local governments to be equipped to respond when they have legitimate concerns, especially as they relate to the location and design of these installations near or adjacent to their property.

For all of these important reasons, CSAC respectfully urges your veto of SB 649.

Respectfully,



Matt L. Cate  
Executive Director

cc: The Honorable Ben Hueso, California State Senate  
Tom Dyer, Chief Deputy Legislative Secretary