City of Newark
City Council Meeting

SMALL CELL URGENCY ORDINANCE & MASTER LICENSE AGREEMENT
January 10, 2019

Outline

• FCC Order
• Proposed Urgency Ordinance
• Master License Agreement Template
FCC Order: Declaratory Ruling

• What is it? FCC's interpretation of the 1996 Federal Telecommunications 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.

FCC Order: Declaratory Ruling

• October 15, 2017: Governor Jerry Brown Vetoes SB 649
• September 26, 2018: FCC Adopts Declaratory Ruling on Small Cell Deployments
• January 10, 2019: Proposed Urgency Ordinance & Template MLA
• January 14, 2019: Effective Date of FCC Ruling
FCC Order: Impacts

- The Order’s interpretations are intended to restrict local aesthetic guidelines and other regulations and limit local control over small cells
- Wireless providers could challenge the City’s policy or decision on a small cell applications as inconsistent with federal law based on the Order’s interpretations
- Legal Action: Federal Appeals Court is hearing consolidated cases

FCC Order: 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.
Proposed Urgency Ordinance

- Requires providers accessing non-City poles (e.g., PG&E utility poles) in Public Right-of-Way comply with:
  - City Design Guidelines & Standards
  - City Encroachment Permit Requirements
- Also requires providers enter into a valid MLA to access City-owned infrastructure in Public ROW (e.g., City poles)

Proposed Master License Agreement

- Local Outreach Process for each Site License
- Protections for Municipal Infrastructure
- Design Guidelines & Installation Standards
- Exclusive Access
- Five-year initial term, with optional renewal periods thereafter
Proposed Master License Agreement

- Pole License Fee: $500/year/pole with 3% annual increase
- Accessory License Fee: $1000/year/pole with 3% annual increase

Recommendation

- Adopt the Urgency Ordinance relating to Small Cell Wireless Telecommunications Facilities to become effective immediately
- Adopt the Resolution Authorizing the City Manager to Execute the Master License Agreement for Small Cell Facilities