

Local Government Telecommunications Interests

IMLA 2020 Mid-Year Seminar

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ATTORNEYS AT LAW

Overview

Issues/FCC	The Courts

• Wireless
  • Small Cell/OTARD
  • Verizon/Clark County Petition
  • WIA/CTIA Petitions
• Cable
  • FNPRM and Stay
  • Denial of Stay
  • Order on Reconsideration
	• Small Cell (9th Cir.)
	  • Argued February 10, 2020
	• Cable Order
	  • Appeal taken to 9th Cir.
	  • FCC Successfully moved to 6th Cir.
	  • Stay: Oral Argument March 11, 2020
	  • Stay Denied
	  • Brief due May 15, 2020

Best Practices	**The Hill**
• Ordinance • Design Standards • Master License Agreement • Other documents	• Wireless (S. 2012; H.R. 530) • Cable (H.R. 5659; S. 3218)

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The FCC



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Wireless Infrastructure Dockets FCC

- **August 2018 Moratorium Ruling (On Appeal)**
  - Preempts express and *de facto* state and local moratoria on acceptance, processing, or approval of telecommunications facility or service permits
- **September 2018 Small Cell Order (On Appeal)**
  - Primarily relates to SWFs (though operators are using to challenge ROW fees for wireline); applies to muni property, including muni electric pole rates
  - Established new standard for "effective prohibition"
  - Fees must be limited to costs; presumptive caps
  - Aesthetic/undergrounding/spacing standards must be objective, reasonable, nondiscriminatory, published in advance
  - Shot clocks for SWFs – 60 days (collocation) or 90 days (new)



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Wireless Infrastructure Dockets

- **WIA/CTIA Petitions**
  - Petitions for Declaratory Ruling and Petition for Rulemaking to clarify or change FCC rules related to modifications of wireless structures subject to Section 6409(a) of the 2012 Spectrum Act
  - Section 6409(a): “a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”



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Wireless Infrastructure Dockets

- **WIA/CTIA Petitions Ask the FCC to Find:**
  - Section 6409(a) applies to all state and local required authorizations
  - Applicant can build after notice of missing the shot clock even if building and other permits have not issued
  - Shot clock begins to run when an applicant makes a good faith attempt to request local approval
  - “Substantial change” is narrowly defined, including limits on what is a “concealment element”
  - The entire structure is the “base station” being modified so new wireless facilities can be placed anywhere on the structure
  - Prohibition on conditions for Section 6409(a) grants



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Wireless Infrastructure Dockets

- **CTIA Petition**
  - Wants FCC to find that light poles are subject to pole attachment rules as if they were utility poles
  - Wants clarification that utilities may not impose blanket prohibitions on access to any portions of their poles
- **WIA Rulemaking Petition**
  - Asks FCC to change “site” to include 30 feet outside the site boundary
  - Requests cost-based permit fees



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Wireless Infrastructure Dockets

- **VZW/Clark County Petition**
  - Asks FCC to rule that Clark County's fees violate FCC's Small Cell Order
- **OTARD NPRM**
  - Current OTARD rules prohibit laws, regulations, or restrictions imposed by state or local governments or private entities that impair the ability of antenna users to install, maintain, or use over-the-air reception devices measuring one meter or less in diameter that provide services to the customer's premises
  - NPRM proposes to extend the rules to cover "hub and relay" antennas used to transmit signals to and/or receive signals from multiple customer locations



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Cable Franchising
Third Report and Order

- **Effective Date**
  - September 26, 2019
- **Summary:**
  - Reinterprets what is and is not a franchise fee to count the value of most franchise requirements as franchise fees
  - Limits LFA authority over cable operators' non-cable services
  - Applies this new standard to local and state-issued franchises
- **Application**
  - Not retroactive
  - Should not result in automatic offset against fees

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Cable Franchising
Third Report and Order

- **Franchise Fees**
  - Redefined to include most non-monetary cable franchise obligations
- **"In-kind" Franchise Obligations**
  - Valued at "fair market value"
  - Includes, but not limited to:
    - Free or discounted service, including I-Net services
    - "Maintenance cost" for PEG transport (not FMV)
    - Excludes:
      - PEG capital
      - Customer service
      - Buildout

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Cable Franchising
Third Report and Order

- **PEG Channel Capacity** – FCC decision in 12 months
  - LFAs "may only require 'adequate' PEG access channel capacity, facilities, or financial support"
  - Adequate = satisfactory or sufficient
  - Impact on franchise renewal?
- **Franchise Modification Process**
  - Good argument that it cannot be unilateral decision
  - Order "encourages" parties to negotiate franchise modifications and grant LFA choice
  - Reasonable time = 120 days, but could be longer in complex areas (Last position surrendered by FCC in 6th Circuit Stay argument)



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Cable Franchising
Third Report and Order

- **Mixed Use**
  - LFAs cannot regulate non-cable (services, facilities, equipment)
  - LFAs cannot impose fees on non-cable (including telecom, broadband, Wi-Fi and small cell antennas)
- **Preemption**
  - Broadly preempts “any state or local requirement, whether or not imposed by a franchising authority, that would impose obligations on franchised cable operators beyond what Title VI allows.”
- **On Appeal in the 6th Circuit**



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Other FCC Items

- **ROW Fee Dispute (WC Docket No. 20-46)**
  - Public Notice for comments on a Petition for preemption and declaratory ruling related to ROW fees imposed by several Missouri cities. Industry comments ask the FCC to declare that wireline ROW fees must be cost-based, among other things. Reply Comments were due April 7, 2020
- **BDAC**
  - WIA/Industry raised in the public comment portion of the BDAC meeting their concerns that local governments are not keeping up with communications (especially wireless) permit applications during the COVID-19 crisis. Industry and local government representatives had a call on March 30th and continue to meet – part of the CTIA/WIA docket referenced above



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Other Dockets of Interest

Net Neutrality (WC Docket Nos. 17-108, 17-287, 11-42): The FCC issued a Public Notice to address the issues remanded by the DC Circuit in the *Mozilla* decision, which includes comments on the *Restoring Internet Freedom Order*'s impact on public safety, pole attachments, and the Lifeline program. Comments due by April 20, 2020; Reply Comments due by May 20, 2020.

Truth in Billing Notice (WC Docket No. 04-36): Public Notice to refresh the record on the Commission's truth-in-billing rules, particularly with respect to the application of the rules to VoIP services and disclosure of government-mandated fees. Comments were due on February 12, 2020; Reply comments were due on March 13, 2020.

USTelecom COVID-19 Relief Request: USTA seeks various changes to the four universal service fund (USF) programs.

Keep America Connected Pledge: Over 500 companies have taken an FCC Pledge for 60 days to (1) not terminate service to any residential or small business customers because of nonpayment; (2) waive any late fees; and (3) open its Wi-Fi hotspots to any American who needs them.

Rural Digital Opportunity Fund (WC 19-126): Established at the January 30, 2020 FCC meeting, with a two-phase reverse auction mechanism to distribute up to $20.4 billion over ten years. First phase to begin later this year with up to $16 billion for census blocks that are wholly unserved with fixed broadband at speeds of at least 25/3 Mbps where existing data shows there is no such service available.



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The Courts



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The Courts: Wireless

- *United Keetoowah Band of Cherokee Indians in Oklahoma v. Fed. Commc'ns Comm'n*, 933 F.3d 728 (D.C. Cir. 2019)
  - Vacated FCC rules from March 2018 exempting small wireless facilities from NEPA/NHPA review, finding the exemption arbitrary and capricious
  - FCC chose not (at this point) to revisit its analysis of the justification for the exemption
- *Sprint Corp. v. Fed. Commc'ns Comm'n*, No. 19-70123 (9th Cir.)
  - Appeal of 2018 Small Cell Orders
  - Fully briefed; oral argument held 2/10/2020 in Pasadena, CA

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The Courts: Wireless

- *Sprint Corp. v. Fed. Commc'ns Comm'n,* No. 19-70123 (9th Cir.)
  - https://www.ca9.uscourts.gov/media/view_video.php?pk_vid=0000017033
  - Challenges moratorium/effective prohibition/fee/design standards/application to muni property, and failure to re-examine RF standards; RF was re-examined in 12/20
- *Environmental Health Trust v. Fed. Commc'ns Comm'n*, No. 20-1025 (D.C. Cir.); *Children's Health Defense v. Fed. Commc'ns Comm'n*, No. 20-70297 (9th Cir.)
  - Appeals challenge FCC order maintaining existing RF standards, FCC 19-126, 34 FCC Rcd 11687 (rel. Dec. 4, 2019), published 85 Fed. Reg. 18,131 (Apr. 1, 2020); petitioner's brief in D.C. appeal due 5/18; FCC has asked 9th Cir. case to be transferred to D.C.

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Lamppost from Ninth Circuit Oral Arguments



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Additional Notable Wireless Cases

- *T-Mobile, Ne., LLC v. City of Wilmington*, No. 16-1108-ER, 2020 WL 1245306 (D.Del. Mar. 16, 2020)
  - FCC Small Cell Order and Declaratory Ruling was not retroactively applied to an application submitted prior to the Order's effective date because "the [Declaratory Ruling] makes substantive changes to the law and alters existing obligations…." *Id*. at Page 15
- *Crown Castle Fiber LLC v. City of Charleston*, 2:17-cv-2562-DCN, 2020 WL 1330711 (D.S.C. Mar. 23, 2020)
  - Notwithstanding the FCC Small Cell Order: (i) a delay in acting is not a prohibition subject to remedy under Section 253(a); and (ii) where a community has failed to act on an application in a timely way, and has otherwise complied with the law and does not appear to be acting in bad faith, the proposer course is to set a deadline for action by the community on the applications
- *VWI Towers, LLC v. Town of North Andover Planning Board,* 404 F.Supp.3d 456 (D.Mass. 2019)
  - Injunction ordering issuance of permits appropriate where carrier demonstrated a significant gap, considered alternatives, and, because inter alia Planning Board ignored its own expert, decision suggested a hostility to wireless placement



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The Courts: Cable

- Appeal of the 3rd 621 Order (In-Kind Order)
  - *City of Eugene v. Fed. Commc'ns Comm'n, et al.*, No. 19-4161 (6th Cir.)
  - Window to appeal closed 10/28
  - Approximately 100 municipalities and organizations
  - NATOA and New York have joined as Intervenors
  - FCC successful in having case transferred to 6th Circuit
  - Stay Motion denied
  - Appeal brief schedule released



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3rd 621 Order Schedule

• Petitioners' (Local Gov't) briefs	5/15/2020
• Petitioner-Intervenor brief due	5/29/2020
• Respondent (FCC) brief	7/31/2020
• Respondent- Intervenor brief	8/14/2020
• Petitioners' reply briefs	9/14/2020
• Petitioner Intervenor reply brief	9/21/2020
• Joint appendix	10/5/2020
• ALL final briefs	10/13/2020



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What's Next?

- **Franchise Modifications**
  - Order is in effect; anticipate action from cable operators
  - What the FCC describes as "In-kind contributions" are not prohibited; LFAs get to decide whether to waive these contributions or accept a franchise fee reduction (if necessary)
  - Check your franchise
    - Change of law/preemption clauses
    - Definition of "gross revenues"
      - Neither the Cable Act nor the Third Report and Order address deductions from gross revenues, so make sure you are at the 5% cap in the Act before offsetting

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What's Next?

- **Franchise Modifications – Franchise Fee Impacts**
  - (Franchise Fees + PEG Grants (cash) + Fair market value of in-kind contributions, including construction of I-Nets)

Minus

  - (PEG Capital Costs [including franchise fees used to pay for PEG Capital Costs] + Costs of complying with build-out or customer service requirements, if included in above

Must Be Less Than

  - (5% of Gross Revenues from Cable Service)

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What's Next?

- **Franchise Modifications – Franchise Fee Impacts**
  - Does the Third Report and Order allow for the deduction of the contribution?
    - Industry mentioned ROW-related issues like relocation, but FCC did not expressly address it
    - PEG Transport: maintenance and operation costs are "fees" but construction is not
    - Customer Service and Buildout are not "fees"
  - How did the cable operator calculate FMV?
    - Is documentation or information required to verify the calculation?
    - Is there a more appropriate FMV (*e.g.*, which rate is applicable for free service to public buildings)?
    - How did they calculate the 5% cap?

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What Can We Do?

- **Cable**
  - Ask your delegation to support bills that effectively revert to long-standing interpretations of the law
  - Ensure you are prepared to act if operator takes offsets – or notifies community that it intends to take offsets
  - Do NOT "lock" FCC ruling into your franchise
- **PEG Channel Capacity Issue**
  - This issue is up for resolution in 2020
  - Prepare to file in the docket and litigate should the issue move forward



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Local Response



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Overview

- Presentation focuses on FCC Small Cell Order
- But local actions must also account for other applicable federal *and* state laws
- Implementation may require multiple documents
  - Ordinance (possibly addressing private property and rights of way separately)
  - Design Standards for Wireless Facilities
  - Master License Agreement
  - Wireless Application Form



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COVID-19 Impacts on the Processing of Wireless Applications

- Any moratorium poses a legal risk (see FCC Moratorium Order for uses of moratoria in emergencies) – don't forget state law!
- If a moratorium is adopted, stronger case if moratorium is applied to all non-essential infrastructure projects
- Remember that most of the FCC shot clocks create rebuttable presumptions
- Governmental entities and private organizations have started issuing guidance:
  - **Department of Homeland Security**: CISA guidance on essential critical infrastructure workforce
  - **CTIA**: Best practices for managing wireless siting during COVID-19

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Processing Wireless Applications

- FCC shot clocks start to run upon receipt of the application
- There are two ways to "toll" or stop the running of a shot clock: (1) to provide *timely notice of incompleteness*; (2) toll the shot clock by mutual agreement
- For non-SWF applications, the municipality has **30 days** from the submission of the application to issue the notice of incompleteness (NOI)
  - The first timely NOI tolls the shot clock
- For SWF applications, the municipality has **10 days** from the submission of the application to issue the notice of incompleteness (NOI)
  - The first timely NOI *resets* and tolls the shot clock
- For all application types, any subsequent NOIs will stop the shot clock, rather than resetting it, if the municipality provides written notice within 10 days that the supplemental submission did not provide information identified in the initial NOI
- The initial NOI must contain all of the missing information/items, or they cannot be claimed in a subsequent NOI

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FCC on Effective Prohibition

- "We clarify that an effective prohibition occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service. This test is met not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service capabilities…an effective prohibition includes materially inhibiting additional services or improving existing services." (Para. 37)
- "[P]rior approaches erred by requiring coverage gaps…"
  - "Significant gap" (9th Cir.) and "least intrusive alternative" (2nd, 3rd, and 9th Cir.) appear abandoned – *See n.* 94



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FCC on Aesthetics/UG/Spacing

- Aesthetic requirements (and undergrounding and spacing) *not* preempted if:
  - (1) reasonable,
  - (2) no more burdensome than those applied to other types of infrastructure deployments, and
  - (3) objective and published in advance
- "…aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are also permissible." (Paras. 84-89)



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FCC on Fees

- FCC reviewed its pole attachment rate formula, small cell legislation in 20 states, local legislation, and comments in the record to determine "safe harbor" fees that do not violate federal law
- "…we presume that the following fees would not be prohibited by Section 253 or Section 332(c)(7):
  a) $500 for non-recurring fees, including a single up-front application that includes up to five Small Wireless Facilities, with an additional $100 for each Small Wireless Facility beyond five, or $1,000 for non-recurring fees for a new pole (i.e., not a collocation) intended to support one or more Small Wireless Facilities;
  b) $270 per Small Wireless Facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to municipally-owned structures in the ROW."
  (Para. 79)

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FCC on Fees

- The FCC acknowledged that there are limited circumstances in which a local government can charge fees in excess of the FCC's "safe harbor" amounts and still comply with federal law
- "…a locality could prevail in charging fees that are above this level by showing that such fees nonetheless comply with the limits imposed by Section 253—that is, that they are (1) a reasonable approximation of costs, (2) those costs themselves are reasonable, and (3) are non-discriminatory."
  (Para. 80)



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Small Cell Ordinance

- Establishes the permitting process for wireless facilities in the public right-of-way
- Typically updates portion of a municipal code that regulates streets and sidewalks
- Key questions to answer:
  - Which person or department has the authority to make findings and decisions on applications?
  - How will the design standards be set?
  - Will public notice be required?
  - Will there be an appeals process?
  - What are the general conditions of approval?
  - How will fees be set?



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Reviewing Authority and Appeals Body

- Public hearings before a planning commission may take too much time under the short FCC shot clocks
- Administrative review alternatives
  - Which department is responsible for review?
    - Public Works
    - Planning
    - City Manager
  - An appeals process?
    - City Manager
    - Independent Hearing Officer
    - City Council
  - Public noticing/public comments

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Setting the Design and Location Standards

- These can either be:
  (1) Set in the Small Cell Ordinance;
  (2) Adopted by Resolution; or
  (3) Published by a city department
- Given frequent changes in technology and law, it is important to maintain flexibility



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Objective Design Standards

- Can address a number of issues, including:
  - Size of antenna and shroud
  - Mounting locations of wireless facilities (top-mounted vs side-mounted antennas)
  - Preferred or prohibited locations throughout the city (e.g., historic areas; environmentally-protected areas)
  - Camouflaging or stealthing of equipment
  - Requirements specific to replacement poles and new poles
- Municipalities often request industry feedback on the standards prior to adoption



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Best Practices:
Design Standards

- SWF definition vs. Aesthetic Regulations
  - SWF definition is for shot clocks
  - Aesthetic regulations can further limit size
- Undergrounding and minimum spacing requirements may be ok
- Consider whether special limits justified in sensitive areas (viewsheds, historic districts)

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Master License Agreement

- A master license agreement (MLA) is used when an applicant proposes to install a SWF on city-owned poles in the public right-of-way
- An MLA is another authorization to be completed within the shot clock period
- The MLA should contain all necessary terms for the installation of SWFs on city-owned poles, including the following topics:
  - Compensation (one-time and recurring fees)
  - Construction (responsibility for make-ready work, maintenance, repairs, and replacements)
  - Indemnification and waiver
  - Performance bond (if required)
  - Insurance (various types and required coverage amounts)
  - Site by site approvals through supplements



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Best Practices: MLA

- Develop a template and request industry feedback on the template prior to receiving applications
- If you choose to use a safe harbor for rent, consider a fallback market rate if the FCC Small Cell Order is overturned
- Be sure to charge for other non-recurring costs (e.g., inspections, make ready)
- Costs escalate – include escalators or process for escalation
- Make all supplements coterminous with MLA
- Be careful about language in any change of law provision



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Wireless Application Form

- Request all pertinent information about proposed wireless facility
- Using a form is preferable to listing all application requirements in municipal code because a separate application form is more easily amended
- Basis for determining what information, if any, is missing and drafting an NOI



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Best Practices: Application Form and Permitting Fees

- Tailor requests for information depending on application type (SWF vs EFR)
- Post online and make available to applicants in the same manner as other forms
- Safe Harbors vs. Cost-Based Fees
  - Most permit fees are already cost-based
  - Charging costs against a deposit is ok
- Must follow process for establishing fees under state and local laws

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Conditions of Approval

- Conditions of approval should accompany any wireless permit
- Examples include:
  - Permit duration
  - Public notice of construction
  - Timeline for beginning installation
  - Compliance with FCC RF emissions standards
  - Indemnification
  - Insurance
  - Abandonment



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Considerations for Small Cells on Public and Private Property

- Small cell rules do not just set new shot clocks
- Need to determine whether your existing code is clear enough to apply to small cell applications and what changes may be required
- Shot clock issues:
  - Are the 60-day (small cell) and 90-day (collocations) shot clocks mutually exclusive?
  - Is a rooftop an “existing structure” for shot clock purposes?



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Summary of FCC Shot Clocks

FCC Category		Applicable Shot Clock
Eligible Facilities Requests (EFR) **Must involve modification to existing wireless facility (tower or base station) and meet size and other requirements to qualify as EFR**		60 days
Small Cells (Small Wireless Facility (SWF)) **Must be personal wireless services facility that meets size and other requirements to qualify as SWF.**	Placement on existing structure (need not be existing wireless facility)	60 days
	New	90 days
Collocations **Must involve placement of personal wireless services facility (that does not qualify as EFR or SWF) on existing structure which need not have wireless facility already on it**		90 days
Other **Personal wireless services facility that does not fall in any other category**		150 days



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Overview of Wireless Facility Application Processing

1. Determine applicable shot clock (can request this information on application form)
2. Review application materials to determine if application is complete
3. Issue a Notice of Incompleteness, if needed
4. Ensure that any applicable notice requirements are met
5. Follow permitting process established by municipal code
    a) Review application materials to confirm that proposed facility complies with applicable local laws and standards
    b) Issue a decision and discuss findings in support
    c) Process any appeals, if applicable
    d) If approved, issue permit and conditions of approval



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Bills of Interest to Local Gov't

CARES Act Signed by President Trump on 3/27/20. The broadband-related funding provisions include

> $200,000,000 for telecommunications services, information services, and devices necessary to enable the provision of telehealth services, which the FCC can administer.
>
> $100,000,000 for grants under a pilot program to prevent, prepare for, and respond to coronavirus where at least 90 percent of the households to be served by a project receiving a grant shall be in a rural area without sufficient access to broadband.
>
> $50,000,000 for grants to States, territories and tribes to expand digital network access, purchase internet accessible devices, and provide technical support services.
>
> $25,000,000 for a ''Distance Learning, Telemedicine, and Broadband Program'.'

In addition to the broadband-related funding, there is funding for States, Tribes and local governments for COVID-19-related costs: $150,000,000,000 for payments to States and locals 500k and larger.

Secure 5G and Beyond Act of 2020 (H.R. 2881) (S. 893) – Signed by President Trump on 3/23/20. Requires the President to develop a strategy to ensure the security of next generation mobile telecommunications systems and infrastructure in the United States and to assist allies and strategic partners in maximizing the security of next generation mobile telecommunications systems, infrastructure, and software, and for other purposes.

Broadband DATA Act (S. 1822) – Signed by President Trump on 3/23/20. Requires the FCC to issue rules relating to the collection of data with respect to the availability of broadband services, Includes language from the Mapping Accuracy Promotes Services Act (H.R. 4227), which prohibits companies from knowingly giving the FCC inaccurate broadband coverage data.

Protecting Community Television Act (H.R. 5659) (S. 3218) – Would modify the definition of "franchise fee" in the Cable Act to effectively reverse the FCC's interpretation of that term to allow "in-kind" deductions from cable franchise fees. Currently 35 co-sponsors in the House; 17 co-sponsors in the Senate.

Accelerating Broadband Development by Empowering Local Communities Act of 2019 (H.R. 530**)** – Bill states that the FCC's August moratorium order and September small wireless order would have no force or effect. Introduced by Rep. Eshoo; 59 co-sponsors to date.
Restoring Local Control Over Public Infrastructure Act (S. 2012) – Sen. Feinstein companion to H.R. 530. 8 co-sponsors to date.



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Bills of Interest to Local Gov't

Connecting Communities Post-Disasters Act (S.2645) (H.R. 4741) – Introduced by Sen. Blackburn and Rep. Olson. Provides a five year categorical exclusion for communications service providers from certain provisions of the National Environmental Policy Act of 1969 and the National Historic Preservation Act with respect to the construction, rebuilding, or hardening of communications facilities following a major disaster or an emergency declared by the President.

Don't Break Up the T-Band Act (S. 2748) (H.R. 451) – Refiled in the Senate on 10/30; repeals provision of the Middle Class Tax Relief and Job Creation Act of 2012 that requires public safety users to relocate from the T-Band spectrum by 2021.

Broadband Speed Act (H.R. 4641) (S. 3093) – Requires broadband providers to annually report to the FCC broadband speeds with data to demonstrate that the provider is capable of performing at the speed reported to the Commission on Form 477; also requires any broadband infrastructure built with USF funds provide broadband service with a download speed of at least 100 mbps.

Community Broadband Mapping Act (H.R. 4642) – Allows RUS grants to be provided to certain units of local government, economic development or other community organizations, and electric cooperatives to collect data on where broadband infrastructure is located and homes served.

STREAMLINE Act (Thune/Schatz) (S. 1699) has been reintroduced. No additional cosponsors and no action in Senate.

Improving Broadband Mapping Accuracy Act (S. 842) – Introduced by Sens. Capito, Klobuchar, Manchin and Hoeven. Directs the FCC to initiate a rulemaking to consider using consumer-reported data and data from state, local and tribal government entities to improve broadband mapping accuracy and to consider ways coverage data can be challenged.

Transparency for Cable Consumers Act (H.R. 1555) – Rep. Brendisi (D-NY) introduced bill to require cable operators that are fined by a state utility/service commission to disclose certain information on a county-wide basis, including average cable and broadband charges and broadband speeds.

Digital Equity Act – (S. 1167) – Introduced by Sen. Murray (D-WA). Funds grants for digital equity planning and implementation. 17 co-sponsors to date.

Save the Internet Act of 2019 (H.R. 1644) (S. 682) – Would restore FCC's 2015 net neutrality rules and bar the FCC from repealing the rules again unless specifically authorized by law to do so. House passed H.R. 1644 April 10th; no action in Senate.

State Cyber Resiliency Act (H.R. 2130) (S. 1065) – Would provide grants to assist states in developing and implementing plans to address cybersecurity threats or vulnerabilities; portions of implementation grants would be available to local and tribal governments.



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Questions?



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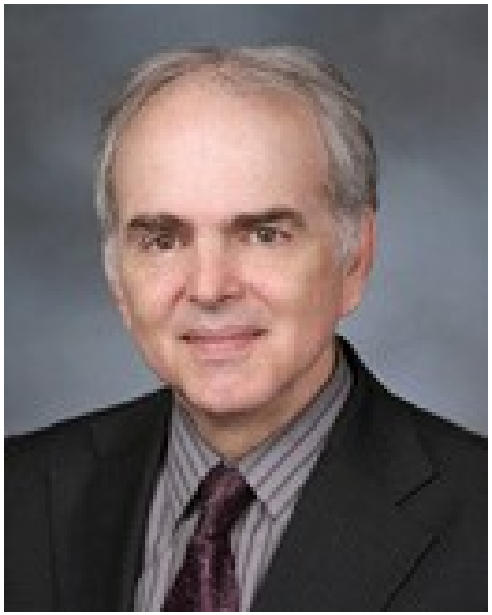

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