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September 17, 2021

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: SB 556 (Dodd): Small wireless facilities attachments – Request for Veto Enrolled and Presented to the Governor – September 9, 2021

Dear Governor Newsom:

The California State Association of Counties (CSAC) respectfully requests your veto of Senate Bill 556 by Senator Dodd. This bill would require local governments and publicly owned electric utilities to make infrastructure available to communication service providers for the placement of small wireless facilities, with limited allowable compensation to the public owners of that infrastructure.

SB 556 does not merely conform state law to federal law, but imposes unreasonable application processing timelines, enacts an unnecessary and restrictive cost formula on publicly funded property, and significantly expands the reach of these provisions to infrastructure outside of the public rights-of-way, without any public benefit. Most concerning, however, are the provisions of the bill that prohibits a local government from denying an application for use of its infrastructure.

SB 556 requires local governments or publicly owned electric utilities to provide, as part of a denial of an application for a wireless facility attachment to a streetlight, traffic signal pole or other pole, the remediation necessary for the communication provider to move forward with placing the wireless facility— in essence, precluding any denial of attachment applications. Moreover, subdivisions (c) and (d) of Public Utilities Code section 5981 states that the local government or public utility may only take into consideration the impacts of its own “approved projects” for future use on the pole that relate to “core service” – therefore – barring use of a streetlight for anything other than illuminations by anyone other than the communication provider and thereby removing the ability of the local government or public utility from utilizing its own infrastructure for the future deployment of telecommunication equipment.

SB 556 allows for denial of a communication provider ‘s request for pole attachment only in cases of “...insufficient capacity or safety, reliability, or engineering concerns...which the communication provider may address...” though the remediation measures that are required to be set forth by the local government or public utility. The circular reasoning masks the outcome that no denials are allowed and only the

communication provider can decide if they wish not to proceed with the use of the property.

State and federal law already outline specific shot clocks for processing wireless facility attachment applications. SB 556 not only further expedites processing times from 60-90 days down to 45 days, but also restricts review time for applications of more than 300 attachments to 60 days (federal law does not distinguish by the number of attachments). The timelines are wholly unreasonable, but ultimately unnecessary as the bill directly removes the ability of local jurisdictions and publicly owned utilities to deny an application.

Lastly, while local permitting is one part of wireless broadband deployment, SB 556 will not actually help close the digital divide. Removing the ability of local governments to negotiate fair and reasonable compensation, coupled with the mandatory use of taxpayer funded property, only hobbles the ability of local governments to bring quality internet connectivity to their respective communities. Moreover, nothing in this bill requires deployment through these measures in underserved and unserved areas – further incentivizing service providers to upgrade and deploy services in markets that will no longer be able to negotiate in-kind services, such as wifi connections in public parks, thereby maximizing the companies' rate of return.

Under your leadership, California has taken significant steps this year to close the digital divide. Unfortunately, SB 556 rewards service providers for continuing to focus on more lucrative population centers by allowing them unfettered access to public infrastructure in those areas, further disincentivizing broadband deployment in low-income urban and high-cost rural areas of the state that lack basic and affordable connectivity.

For these reasons, CSAC respectfully requests your veto of SB 556. If you need additional information about our position, please contact me at clee@counties.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Chitf", written in a cursive style.

Christopher Lee
Legislative Representative

cc: The Honorable Bill Dodd, Member, California State Senate
Hazel Miranda, Deputy Legislative Secretary, Office of Governor Newsom