



City of Mission Viejo

Office of the Mayor and City Council

Trish Kelley
Mayor

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Council Member

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Council Member

April 13, 2021

The Honorable Ben Hueso
Chair, Senate Energy, Utilities, and Communications Committee
State Capitol Building, Room 4035
Sacramento, CA 95814

RE: SB 556 (Dodd) Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures: Attachments.
Notice of OPPOSITION (As Amended 03/16/21)

Dear Senator Hueso,

The City of Mission Viejo must respectfully oppose SB 556 (Dodd), related to wireless broadband infrastructure deployment.

SB 556 directly conflicts with the Federal Communications Commission's (FCC) adopted regulations on wireless services deployment, which cities and counties across the nation are actively implementing. This measure requires local governments to make space available to telecommunications providers without recognizing local authority to manage the public right-of-way preserved in federal law. FCC regulations explicitly enable local governments to ensure that such installations meet appearance and design standards, maintain traffic safety, protect historical resources' integrity, and safeguard citizens' quality of life. To protect the public's investment, the control of the public rights-of-way must remain local.

SB 556 also has the potential to further limit the local government's ability to require adequate mitigation for installations that impact the quality of life within the local community. SB 556 lacks specifics regarding the local government's ability to require mitigation such as landscape screening of installations, number of installations within a specified desistance, etc.

Additionally, SB 556 creates ambiguity in the fees local governments can charge for access to their infrastructure. Federal law explicitly outlines conditions for valid fees, limiting fees to a "reasonable approximation of the local government's actual and direct



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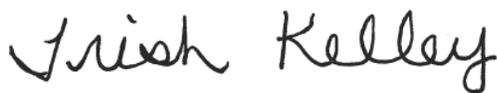
costs," including costs to maintain a structure within the right-of-way, process an application or permit, and review a siting application. SB 556, on the other hand, chooses not to incorporate these federal standards, further restricting fees to "actual cost" and "reasonable actual cost." If the goal of SB 556 is to implement the existing FCC orders into state law, there should be no added ambiguity created by changes from what was already decided at the federal level.

Furthermore, SB 556 sets specific timelines for approvals by the local government that are overly generalized, and will do little to expedite the approval of specific projects. These restrictions have the potential to further restrict the local government's ability to provide a thorough and meaningful review of proposed projects. Existing FCC regulations already provide detailed restrictive timelines for approvals by local governments.

SB 556 is an attempt by the telecommunications industry to undermine local authority while making no meaningful progress towards closing the digital divide in California's unserved and underserved communities. As previously mentioned, cities and counties across the nation are implementing the FCC's orders. If California is to close the digital divide, legislative efforts should focus on encouraging and incentivizing telecommunications companies to service areas that for too long have not had access to reliable and affordable internet.

While the City of Mission Viejo stands ready to work with the Legislature to further the state's broadband goals, these efforts do not inherently conflict with the appropriate local authority to manage the right-of-way and comply with existing FCC decisions. For these reasons, the City of Mission Viejo opposes SB 556 (Dodd).

Sincerely,



Trish Kelley
Mayor
City of Mission Viejo

cc: The Honorable Bill Dodd
Senator Pat Bates
Assembly Member Laurie Davies
Public Affairs Regional Manager Tony Cardenas
League of California Cities, cityletters@cacities.org
City of Mission Viejo City Council Members

