



CITY OF MOORPARK

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September 22, 2017

SENT VIA FACSIMILE

The Honorable Jerry Brown
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

**RE: SB 649 (Hueso). Wireless Telecommunications Facilities (as enrolled)
Request for Veto**

Dear Governor Brown:

The City Moorpark respectfully requests your veto of SB 649 (Hueso), which seeks to eliminate public input, eliminate reasonable local environmental and design review, mandate the forced leasing of publicly owned infrastructure, and eliminate the ability for local governments to negotiate fair leases or any public benefit for the installation of "small cell" wireless equipment on taxpayer-funded property.

By eliminating our local discretion and mandating a ministerial process, SB 649 effectively eliminates the ability for our residents and businesses from having fair input over the character of their own communities. Most troubling is the shift of authority from the community and our elected officials to for-profit corporations for wireless equipment installations that can have significant health, safety, and aesthetic impacts when those companies have little, if any, interest to respect these concerns that potentially conflict with their profit margins.

Our elected officials play a critical role in balancing the important needs of our community and respect for its character with the need to close the existing/widening digital divide and ensure that the many benefits from state-of-the-art wireless technology are available to all. Our local residents and businesses expect our city 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.

Moorpark prides itself on having learned how to partner with telecommunication companies to create effective and well-planned cellular infrastructure to serve the community while still respecting residents' expectations for appropriate locations and designs of wireless facilities. Given the topography and abundance of buildings in Moorpark, it is currently easy to both provide sufficient coverage and appropriately incorporate simple solutions to address any aesthetic and/or environmental concerns. While some jurisdictions may be abusing the current regulatory framework, completely eliminating all jurisdictions' discretionary reviews is akin to throwing the baby out with the bathwater and will prevent the collaborative work already taking place between the city and telecommunication companies to simultaneously achieve good design and good coverage. SB 649 would undermine this collaboration.

The plain language of SB 649 gives the wireless industry the ability to install extremely large equipment, 6 cubic feet worth of antennas and 21 cubic feet worth of equipment (about the size of a twin bed) on “vertical infrastructure,” such as street lights, traffic signals, and stop signs without any showing that the industry is incapable of delivering smaller cellular equipment that improves the safety and aesthetic qualities of these facilities. Further, the bill allows the industry to place up to 35 cubic feet (about the size of a commercial refrigerator) of equipment on the ground for each provider on every pole. But the ultimate size of a facility will be unknown as there are exclusions for at least eight “ancillary” pieces of equipment that have no size or quantity limitations. The loose language in SB 649 eliminates any incentives for industry to develop smaller and more discreet designs. To be clear, what SB 649 gives the industry is far larger than the claimed “pizza box” size “small cell” site.

In an unprecedented move, SB 649 forces our city to give access to public property funded by our taxpayers so that for-profit 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 infrastructure”), this bill effectively gives corporations discounted access to these facilities with no requirement to pass their cost-savings onto their customers. **SB 649 creates billions of dollars of value for wireless industry shareholders by eliminating fair market rate leases. Furthermore, rents from the use of public property, which every other for-profit business pays, help pay for our essential public services, such as police, fire, libraries, and parks.** SB 649 sets a dangerous precedent for other private industries to seek similar treatment to benefit their shareholders over constituent funded infrastructure, further eroding the ability to fund our vital local services.

The term “small cell” is not defined in this bill by any technology standard, but instead by the size of the equipment. As long as the facility delivers “licensed and/or unlicensed spectrum” and falls within the loose size standards in the bill, it is a “small cell”. In other words, these wireless sites could be used for 4G technology that is already being deployed today, or to deliver Wi-Fi signals only, or for even more basic radio signals. The standards for 5G are still being developed, and the technology is still years away from being deployed. Despite the industry’s most consistent talking point, this bill never even mentions 5G (nor any service) and does not impose any requirement, duty, or incentive to the industry to accelerate the deployment of this new technology.

For these reasons, the City of Moorpark respectfully requests your veto of SB 649.

Yours Truly,



Janice S. Parvin
Mayor

cc: The Honorable Senator Henry Stern (via E-mail)
The Honorable Assemblymember Jacqui Irwin (via E-mail)
Tom Dyer, Deputy Legislative Affairs Secretary, Office of Governor Brown
Meg Desmond, League of California Cities (via E-mail)
David Mullinax, League of California Cities (via E-mail)
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Steve Kueny, City Manager
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