



CITY OF MOORPARK

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May 5, 2021

TRANSMITTED ELECTRONICALLY

The Honorable Anthony J. Portantino
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

RE: **SB 556 (Dodd) – Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures: Attachments
Letter of Opposition (As Amended 5/4/2021)**

Dear Senator Portantino:

The City of Moorpark must respectfully oppose SB 556, which would further limit local governments' ability to control use of agency-owned infrastructure for private wireless telecommunications facility and service providers.

SB 556 would enshrine existing Federal Communications Commission (FCC) requirements that local governments allow wireless telecommunications providers access to local government infrastructure, such as streetlights and traffic signals. Notably, the FCC also already precludes local governments from charging market rate rent from wireless telecommunications facility operators for such use, even though telecommunications companies have been paying rent for facilities located on private property for decades. Calls for government to leverage public assets "like a business" are directly undermined by these FCC regulations. Just as it did when the FCC proposed these regulations, the City believes that the loss of local government control over its own physical infrastructure is inappropriate, and it should not be duplicated in state law. Nevertheless, the City has complied with the FCC regulations and as a result now offers a huge concession and public subsidy for these facilities.

Federal law explicitly outlines conditions for what fees can be validly collected, limiting fees to a "reasonable approximation of local government's actual and direct costs," including costs to maintain a structure within the right-of-way, process an application or permit, and review a siting application. Consistent with this federal law, Moorpark subsequently adopted such fees based on analysis of actual and direct costs to review and issue such applications. The City now actively collects these fees to process applications for wireless telecommunications

facilities on City-owned streetlights, and the City notes that the fees have not been a hurdle to deployment of such facilities.

SB 556 chooses not to incorporate these federal standards, instead further restricting fees to “actual cost” and “reasonable actual cost.” If the goal of SB 556 is to simply 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 and dictated by federal law.

SB 556 is an attempt by the telecommunications industry to continue to undermine local authority and take another bite at the fee apple, while making no meaningful progress toward closing the digital divide in California’s unserved and underserved communities.

As such, the City of Moorpark respectfully opposes SB 556 (Friedman).

Sincerely,



Janice S. Parvin
Mayor

cc: City Council
City Manager
Senator Henry Stern
Assemblymember Jacqui Irwin
League of California Cities