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The Honorable John Thune
Chairman
Committee on Commerce, Science
and Transportation
512 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Brian Schatz
Ranking Member
Subcommittee on Communications,
Technology, Innovation & the Internet
428 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Thune and Ranking Member Schatz:

On behalf of the California State Association of Counties (CSAC), I'm writing to you in opposition to the *STREAMLINE Small Cell Deployment Act* (S 3157). While our association and members support the deployment of new and forthcoming telecommunications technology, including high-capacity 5G and related technologies, we oppose efforts that would limit necessary local discretion and public review as it pertains to the siting of new infrastructure in the public domain.

We are concerned that several provisions of S 3157 would serve to preempt state and local ownership of public property and usurp control over local rights of way. Additionally, we have concerns with language that would create new federal unfunded mandates and limit local governments' ability to raise revenue.

Under S 3157, local governments would be required to act on any request for authorization to place, construct, or modify wireless service facilities within their jurisdiction. While California's counties recognize that the intent of the legislation is to remove barriers to broadband deployment, the bill language challenges the basic principles of Federalism by giving the Federal Communications Commission (FCC) the authority to dictate how county governments operate. S 3157 also would mandate actions that local governments should take without providing direct compensation.

Furthermore, the bill would shorten the timeframes within which local governments are required to complete their review of applications for the siting of wireless communications facilities. Specifically, local governments would be required to act on any request that constitutes collocation of facilities not later than 60 days after the date on which the application is filed; review of requests for new towers would need to be completed within 90 days (additional time would be provided to jurisdictions with fewer than 50,000 residents). CSAC believes that truncating the current "shot clocks" – from 90 days for collocation and 150 days for new facilities – would have the effect of exacerbating the challenges that many local governments are currently facing with regard to responding to increases in requests from telecommunications service providers. Incidentally, the *Mobile Now Act* (S 19) would give the Federal government three times the amount of time (270 days) to respond to similar requests.

CSAC also has concerns with language that would preempt local zoning and regulatory authority by providing the Federal government with access to locally controlled assets without authorization. Under the bill, if a local government does not act on a request within the newly prescribed timeframes – or if an application is denied in a manner that the FCC determines is inconsistent with the terms of the bill – the request is automatically deemed approved. This language would create an unreasonable precedent that would allow outside entities to dictate the use of publicly owned assets at the local level. This provision also would unfairly penalize local governments that lack the staff capacity and resources to respond to requests within the shortened timelines.

Finally, S 3157 would limit compensation for use of poles, rights of way and other taxpayer-funded property “based on actual and direct costs.” By restricting compensation to the costs incurred for processing applications, the draft would eliminate the ability of local governments to negotiate fair leases or public benefits for the installation of small cell wireless equipment. Notably, the revenue generated from collecting these fees can be used to help bolster a locality’s financial resources to add staff capacity to help expedite the response for eligible facility requests.

In closing, local governments want to be a partner in successful deployment of next generation infrastructure. An approach that tries to preempt or remove local authority, however, would create tremendous conflict and would only serve to hinder local efforts aimed at closing the digital divide.

Thank you for considering our association’s views. If you have any questions or if you need any additional information, please contact Joe Krahn, CSAC Federal Representative, Paragon Government Relations at (202) 898-1444.

Sincerely,



Graham Knaus
CSAC Executive Director

cc: Senator Dianne Feinstein
Senator Kamala Harris