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City of Piedmont Joins Coalition to Appeal FCC Orders

On Monday, October 15, 2018, the City Council decided to join dozens of cities across the U.S. that are appealing new Federal Communications Commission (FCC) rules governing wireless communication antennas on city-owned structures, roads, sidewalks, planting strips, and other parts of the public right-of-way. Previously, on September 17, 2018, before FCC approval, Mayor McBain signed a letter, along with hundreds of cities across the U.S., strongly opposing the rules. The City Council decided to join a coalition of cities across the nation to appeal orders approved by the FCC on September 26, 2018

The new FCC rules drastically change the City of Piedmont's ability to manage and regulate-wireless communication facilities on structures in public roadways within Piedmont. Unless a court-ordered injunction delays the new rules, they would become effective on January 14, 2019.

These orders are intended to limit local control over the placement of small wireless facilities (small cells).

For the first time, these orders set a definition for what is considered a small cell. The order defines small cells wireless facilities where each antenna is no larger than 3 cubic feet per antenna (no limit is specified as to the number of antennas); where other equipment occupies not more than 28 cubic feet total; and where the facility is mounted on a new, existing or replacement structure as high as 50 feet (and in some cases, even higher). The size limit for equipment of 28 cubic feet is approximately the size of a large kitchen refrigerator.

In addition, the order shortens the timeline in which a city must make a decision regarding wireless applications to sixty days for installations on an existing structure and ninety days for installations on a new structure. This shortened timeframe significantly reduces the time cities have to review applications as well as changing the rules about which types of applications fall under which timeline. The FCC also adopted new remedies to make it more likely that courts will immediately require issuance of permits and other authorizations if a deadline is missed.

The orders also changed the standards by which cities can reject applications, only requiring the wireless carrier to declare that the application provides or improves an existing personal wireless service or offers a new wireless service to justify approval. Previously, many cities in California required carriers to show that there was a significant gap in service and that a proposed facility was the least intrusive means of closing that gap in order for a project to be approved.

Communities around the country are joining in the appeal, including Anne Arbor, Boston, Chicago, Dallas, Las Vegas, Los Angeles, Milpitas, Marin, New Orleans, Palos Verdes Estates, Philadelphia, Pleasant Hill, and Santa Ana.

For more information, please visit the Wireless Communication Facilities page on the City of Piedmont's web site at <http://www.ci.piedmont.ca.us/publicworks/wireless.shtml>

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