

Nationwide Small Cell Legislation

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Three Basic Principles

- NCSL's three baseline principles found in each enacted legislation:
 1. "Streamlined applications to access public rights-of-way."
 2. "Caps on costs and fees."
 3. "Streamlined timelines for the consideration and processing of cell siting applications."

Common Themes

- Authorities are typically local governments, but may also include DOT and municipal electric utilities.
- Except as provided, authorities can't prohibit, regulate, or charge for collocations or installation/modification of poles.
- Shot clocks.
- Application fee caps.
- Height requirements.
- Small cell size definitions.
- Application denials.
- Moratorium preventions.
- ROW damage provisions.
- Undergrounding or historic district requirements.
- Abandonment and operation start requirements.

Oklahoma

- Authority: municipalities and municipal electric utilities.
- ROW access: \$20 per small cell per year.
- Collocation rate cap: \$20 per pole per year.
- Application/Permit fees: \$200 each for first five and \$100 for each additional.
 - Consolidated applications: 25 small cells
- New poles for small cell: \$350 per pole.
- Fees and rates may be adjusted by 10% every five years.
- Small cell meets both qualifications:
 - Each antenna could fit within an enclosure no more than six cubic feet.
 - All other equipment is cumulatively no more than 28 cubic feet.

Oklahoma Shot Clocks

- Application will be deemed complete if provider is not notified of deficiencies within 20 days.
- Application will be deemed approved if it is not approved or denied within 75 days.
- Applicant has 30 days to cure any deficiencies.
- Applicant has one year to complete collocation.

Colorado

- Small cell meets both qualifications:
 - Each antenna can fit within an enclosure of no more than three cubic feet.
 - Primary equipment enclosures are no larger than 17 cubic feet.
- Shot clocks:
 - 90 days to process a complete application for the location or collocation of a small cell or the replacement of one.
 - 150 days to process a complete application involving a new structure other than a small cell facility.
- Consolidated applications are allowed.
- Pole attachment fees shall not exceed the amount that would be authorized if the local government entity or municipally-owned utility were regulated by 47 U.S.C. sec. 224.
 - State fiscal note indicates this can result in an approximate \$200 fee per pole/structure.
 - No other caps.

Delaware

- Only affects Department of Transportation ROWs.
- Fees shall not exceed \$100 for each small cell facility in application.
 - Additional non-recurring costs shall be paid by the provider.
- Permits have to be of general applicability and not exclusive to wireless facilities.
- Shot clocks:
 - 14 days to determine if application is complete; identify the missing information if incomplete.
 - 60 days to approve or deny; parties may mutually agree to extend the period.
 - 30 day period to cure deficiencies; authority has 15 days to approve or deny.
- May not institute moratorium, de facto or otherwise, on issuing permits, except for limited cases related to particular road or area that directly impacts the public's health, safety, or welfare.

Tennessee Fiscal Study

- Small cell deployment for 5G will require 10 to 100 times the number of antennas currently in place.
- DOT will require one additional permitting position and one additional inspecting position for each of the four regional offices to process the increased number of permits and inspections.
- Estimated collection of application rates will result in estimated local revenue exceeding \$1 million in FY19, FY20, FY21.
- Estimated increase in business revenue to exceed \$2 million beginning in FY20, a year after the infrastructure is in place.
- Increase in jobs is expected, but the number of jobs is unknown.



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