



TO: House Consumer Affairs Committee

FROM: Melissa Anese, Government Relations Associate

DATE: 8/9/2018

RE: CCAP Comments on House Bill 2564

Thank you for this opportunity to submit comments on House Bill 2564 on behalf of the County Commissioners Association of Pennsylvania (CCAP), a non-profit, non-partisan association representing the commonwealth's 67 counties. House Bill 2564 would limit the ability of local governments to regulate small wireless development in right-of-ways, with the intent of facilitating deployment of wireless communications services throughout Pennsylvania.

According to the Federal Communications Commission, about 800,000 Pennsylvanians lack access to high-speed broadband internet, which is critical for education, employment, and economic development in the current era. Counties recognize that high-quality communication infrastructure is essential to our communities and the provision of efficient and effective services to our residents. CCAP supports moves toward closing the technology access gap and looks forward to working with the General Assembly on issues related to accessing technology more broadly.

Counties welcome opportunities to improve infrastructure and technology, and believe House Bill 2564 is an improvement over prior versions of this legislation as it attempts to balance both municipal and wireless provider needs. While this legislation limits the ability of local government to regulate small cell facilities within the right-of way, it also creates specifications for historic districts and decorative poles, concerns previously raised by our members, by providing for concealment of the facilities within reason, protecting the integrity of those areas and structures while allowing for the implementation of technological advancement. Wireless providers would also be responsible for damage caused to the right-of-way and would be required to comply with provisions to place utilities underground as necessary. This efforts to acknowledge local government concerns while working toward the goal of technological access is a crucial component in increasing access in the commonwealth.

However, we remain concerned about the limits placed on local government regulation that remain in the bill. Specifically, House Bill 2564 as currently written would allow wireless providers to collocate small cell facilities on utility poles, traffic lights and other structures within public rights-of-way as a use by right not subject to zoning review or approval. In stripping away local governments' ability to require wireless facilities to meet the same requirements as other

facilities in the same zoning district, the best interest of both neighborhoods and residents may not be considered.

We also have concerns regarding the permit review process. House Bill 2564 would mandate that a municipality has only 60 days to review, assess and either accept or deny the application. While this may not seem like a tight time frame, wireless companies can submit a consolidated application, permitting up to 20 small wireless facilities requests in one application in a 30-day period in a municipality of less than 50,000 residents. With the volume of facilities that could be contained in a single application, it could take much longer for smaller municipalities with limited staff and resources who do not have the capacity to properly assess the application and potential effects of the proposed wireless locations. In addition, the bill places an arbitrary cap on fees for review of a permit application at \$100; if this cap is not sufficient to cover the cost of reviewing applications (again, with potentially up to 20 facilities on a single application), municipalities and their taxpayers could end up being forced to make up the difference.

While local zoning codes and permit processes may need to be reviewed and updated to facilitate development of this infrastructure, local government must be there to negotiate with industry partners in order to get the best outcomes for their residents. Along the same lines, we note that House Bill 2564 would limit local governments' ability to negotiate and collect reasonable fees for collocation on infrastructure, limiting annual rates for collocation to a municipal pole to \$50 per attachment per pole per year. This should be open to discussion as all parties work together to expand small cell infrastructure in a way that meets all the needs of a community and its residents.

Finally, we would further note that while there have been numerous discussions about the need to expand rural broadband capacity, this bill does not necessarily address this need. Although small cells may bring more capacity to an already serviced area to meet demand, it may not increase access to those who do not have it. If small cell placement is focused in urban areas as a result, it will not close the technological divide, but rather continue to broaden the gap for rural communities where towers are also needed. We urge the General Assembly to consider the overall needs of Pennsylvania in this area.

Again, counties agree that that high quality communication infrastructure is critical for every day functions and we welcome advancements in this and in technology as a whole. With that in mind, CCAP believes that while small cell facilities may be one piece to that puzzle, there are still components to House Bill 2564, like fees, zoning and application timelines that need to be revisited to assure the best interests of our communities remain at the forefront.

Thank you for your attention to these comments, and please feel free to contact us with any further questions.