

February 4, 2019



The Honorable Mark DeSaulnier
United States House of Representatives, 11th District
503 Cannon House Office Building
Washington, DC 20515

Re: LETTER OF SUPPORT FOR H.R. 530 – TELECOMMUNICATIONS

Dear Congressman DeSaulnier,

I write to express the City of San Pablo's support for H.R. 530, which would nullify recent actions by the Federal Communications Commission (FCC) that constrict local authority in pursuit of the expansion of wireless infrastructure.

The actions upend local authority in the name of expediting corporate technological expansion. We share the FCC's goal of ensuring efficient, safe, and appropriate deployment of new broadband technology, but co-opting local infrastructure without local permission is the wrong solution.

In August - September 2018, the FCC adopted regulations limiting the authority of local cities and states to regulate the wireless technological attachments to public infrastructure, like street light and utility poles, needed for the deployment of 5G wireless infrastructure. These regulations compel local governments, like the City of San Pablo, to permit access to publicly-owned infrastructure with set time limits as low as 60 days to conduct all necessary permit inspections and authorize proposals. Additionally, their limitation on fees and rates to direct and actual costs strips local municipalities of the ability to analyze and identify the cost-benefit of this technology to its residents. The FCC's actions prevent even reasonable local environmental and design review, and drastically limit common-sense requirements to include our constituents in the approval process and allow us to protect our community.

The State of California considered similar legislation (Senate Bill 649) two years ago. The bill received widespread opposition from local jurisdictions, including opposition from the City of San Pablo. Even though the state legislature passed SB 649 legislation, former California Governor Brown vetoed the bill. Fortunately, for local cities no new legislation has been reintroduced at this time. California cities, like ours, understand that we cannot

adequately govern if essential local decisions on public property are outsourced to private corporations who are not accountable to our residents. Local governments should have the time and flexibility to ensure that small cell wireless infrastructure is deployed safely and correctly in our communities.

Since the FCC's regulations took effect on January 14, 2019, many local cities have already begun to feel their effects. There is no time to waste. In December 2018, the City of San Pablo, a 11th Congressional District municipality, has initiated design work for a City-wide public fiber infrastructure installment to be constructed in 2019 between City-owned facilities to enhance local City program and service delivery to its residents.

Additionally, a second phase of this project will involve a future solicitation by the City to local Internet Service Providers (ISPs) who are interested in building a new, City-wide 5G wireless infrastructure throughout the City's business and residential corridors using the public fiber asset on public property as a catalyst for this eventual build-out and deployment. These types of public-private partnerships with telecom is the only way for small, local, and economically-disadvantage communities, like San Pablo, to build these wireless infrastructure networks in our community in a safe and responsible manner.

If built and deployed successfully, wireless infrastructure will provide San Pablo with more private investment and economic development opportunities, and close the "digital-divide" for many low-income, and economically disadvantage families who are looking to have access to more job opportunities and workforce development programs which expands their potential for career and college readiness for working families and local youth. Such digital infrastructure will provide local businesses with faster and safer, and more reliable broadband capacity to greatly expand local commerce and spur new business development. Therefore, H.R. 530 would enhance the City's efforts with appropriate environmental review, licensing and permitting and to adequately ensure that it is regulated responsibly and safely for future deployment in our community.


I urge you to **support and cosponsor H.R. 530**, and to include local governments in the path forward for properly regulating widespread 5G deployment that does not come at the expense of local control in our communities. Otherwise, private companies will have no accountability and will by-pass the local concerns of residents who will likely experience drastic impacts to their quality of life, and see the eventual exploitation of their public property and street infrastructure in their respective neighborhoods.

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Should you require any additional information, please contact Matt Rodriguez, San Pablo City Manager at (510) 215-3016, or via email at: MattR@sanpabloca.gov.

Thank you in advance for your support.

Sincerely,



Rich Kinney
Mayor, City of San Pablo

cc: The Honorable Dianne Feinstein, U.S. Senate
The Honorable Kamala Harris, U.S. Senate
The Honorable Frank Pallone, 6th Congressional District
The Honorable Greg Walden, 2nd Congressional District
The Honorable Anna Eshoo, 18th Congressional District

San Pablo City Councilmembers
City Manager
City Attorney
Assistant City Manager
Administrative Services Director
Community and Economic Development Department