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February 26, 2019

VIA EMAIL

Mayor Stacey Armato
Mayor Pro Tempore Mary Campbell
Councilmembers Hany Fangary,
Justin Massey and Jeff Duclos
City Council
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, California 90254

Re: Draft Design Standards for Wireless Communication Facilities
in the Public Right-of-Way
Council Agenda Item 6(e), February 26, 2019

Dear Mayor Armato, Mayor Pro Tempore Campbell and Councilmembers:

We write again on behalf of Verizon Wireless to provide comment on the revised draft design standards for wireless facilities in the right-of-way (the “Draft Standards”). Verizon Wireless appreciates staff’s collaboration with industry to revise the Draft Standards. However, several provisions remain that contradict a recent Federal Communications Commission (“FCC”) order addressing appropriate approval criteria for small cell wireless facilities (the “Small Cells Order”).¹ Notably, generalized requirements to place associated equipment underground are unreasonable because small pole-mounted boxes are not out-of-character among right-of-way infrastructure. The City must ensure it has provided workable standards for above-ground small cell equipment on street light poles and utility poles. The FCC has given cities until April 15, 2019 to adopt design standards for small cells. We urge the Council to decline adoption of the Draft Standards, and direct staff to make needed revisions.

As described in our prior letter of January 8, 2019, the Small Cells Order requires that cities provide design standards for small cells that are reasonable, non-discriminatory and objective. Reasonable standards are “technically feasible” and meant to avoid “out-

¹ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018).

of-character deployments.” Objective standards must “incorporate clearly-defined and ascertainable standards, applied in a principled manner.” Small Cells Order, ¶¶ 86-88.

As a general matter, the Draft Standards rely on technical feasibility as the basis for excusing certain aesthetic requirements. According to the Small Cells Order, technically infeasible standards are unreasonable and prohibitive as they “materially inhibit” densification of Verizon Wireless’s network. Ultimately, it is better for the City to adopt reasonable, feasible standards at the outset.

While several subjective standards have been stricken pursuant to our prior comments, a few remain that contradict of the FCC’s direction to provide objective standards for small cells. These include “the least visible means possible” and “compatible with support structure/surroundings.” Draft Standards § 4(A)(1). As general requirements, these subjective standards could be used to deny small cells that otherwise meet objective standards. Concealment standards including “minimizing the size,” integrating facilities into utility infrastructure or placing new infrastructure matching surroundings are also subjective. Draft Standards § 4(A)(3). These requirements could mandate new infrastructure as a concealment element, ignoring the rights granted to telephone corporations to use the right-of-way under Public Utilities Code Section 7901 and the right to use utility poles controlled by the Southern California Joint Pole Committee, of which Verizon Wireless is a member. We recommend deleting Draft Standards Sections 4(A)(1) and 4(A)(3).

Revised provisions preferring undergrounding of accessory equipment are unreasonable, even with the caveat of technical infeasibility. Draft Standards §§ 4(A)(3), 5(B)(1). It is not just a matter of feasibility. Reasonable standards for small cells would accommodate small cell equipment on a pole that is not “out-of-character” among typical right-of-way infrastructure, even in underground utility areas with street lights. For street light poles, Verizon Wireless cannot place radio equipment in pole-top shrouds given size and operational constraints. Verizon Wireless would be pleased to provide examples of feasible small cell installations on street light poles that include above-ground equipment posing little if any visual impact; these examples could be the basis for reasonable, objective standards that comply with the Small Cells Order.

For utility poles, the City must ensure that design criteria accommodate typical small cell equipment required for service, and the revised Draft Standards offer a good starting point. Draft Standards § 5(C). To ensure feasibility and objectivity, the City should consult with wireless carriers on the specifications for their pole-mounted radios and other equipment such as mounting plates, including the maximum width of equipment components.

As described in our prior letter, requiring a waiver to place a new pole imposes an additional permit hurdle that contradicts Public Utilities Code Section 7901, which grants telephone corporations the right to place new poles in the right-of-way. Draft Standards

§ 5(E)(1). New poles should be authorized with a wireless encroachment permit only, as with any small cell. Instead of requiring a waiver to place new poles, we suggest a standard that no existing infrastructure within 200 feet along the subject right-of-way is available and feasible to support a small cell. Further, the City should provide objective standards for new poles rather than imposing vague, subjective camouflage or matching requirements to be determined. Draft Standards §§ 4(B)(3), 5(E)(1)(a). Those subjective standards contradict the FCC's direction to evaluate small cells—including any new vertical infrastructure—under objective standards.

Verizon Wireless looks forward to continued discussions with the City regarding the Draft Standards. To allow for needed revisions, we urge the Council to decline adoption of the Draft Standards this evening.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul Albritton", with a stylized flourish at the end.

Paul B. Albritton

cc: Lauren Langer, Esq.
Glen Kau
Nicole Ellis
Kim Chafin