

## Small Cell Wireless Antenna Amendment – Comparison of Original to Final

<u>Major Issues</u>	<u>Original AT&amp;T Bill</u>	<u>AMP/OMEA Concerns</u>	<u>Final Bill Provisions</u>	<u>Explanation of Change</u>
<b>What the Wireless Facility Can Attach to</b>	The original bill allowed for a wireless facility to be attached to <i>any</i> structure capable of supporting it.	This language was so broad it would allow wireless facilities on virtually <i>anything</i> in the right-of-way (ROW) whether it was municipally owned or not and could apply to outside of ROW with no prior approval needed	<ul style="list-style-type: none"> <li>• Does NOT include municipal utility poles.</li> <li>• “Wireless Support Structure” is now limited to poles, sign poles, light poles, traffic signals, non-municipal utility poles in the ROW.</li> </ul>	<p>This removes municipal utility poles from the expedited review process and puts them back under municipal control.</p> <p>Final bill limits what a wireless facility could attach to – must be in the ROW, no longer “any structure” - buildings, water towers, etc., with which we had safety, aesthetic, historic preservation and other concerns, are out.</p>
<b>Health, Safety and Welfare</b>	Municipalities may not take into consideration concerns or even existing regulations regarding health safety or welfare if application meets standards established in this section.	This was an unreasonable limitation that put lives at risk and put municipalities in the position of not complying with applicable law.	Municipalities may apply applicable health, safety or welfare rules and regulations.	Restores municipalities’ ability to guard public safety, health and welfare.
<b>PUCO Jurisdiction</b>	Any dispute arising between a requesting entity and a municipality would be under the jurisdiction of the PUCO.	Giving PUCO jurisdiction over municipalities usurps municipal authority and is a slippery slope.	<ul style="list-style-type: none"> <li>• PUCO no longer has jurisdiction over municipalities’ right-of-way applications – except for fee disputes (which is existing law).</li> </ul>	Retains the important jurisdictional rights of municipalities.
<b>Size of Small Cell Facilities, Accessory Equipment, and Poles</b>	<ul style="list-style-type: none"> <li>• Antennas can be up to six cubic feet or as large as the FCC allows</li> <li>• Equipment enclosures can be up to 28 cubic feet or as large as the FCC allows</li> <li>• Accessory equipment not be included in limits.</li> <li>• Poles are capped at 50 feet</li> </ul>	This language allowed for large equipment to be installed in the ROW and unlimited exceptions in calculating volume. Poles could essentially be unlimited in height (continually adding 10	<ul style="list-style-type: none"> <li>• Antennas are capped at six cubic feet</li> <li>• All other wireless equipment is capped cumulatively at 28 cubic feet.</li> <li>• Poles cannot be increased more than 10 feet, not to exceed 50</li> </ul>	Final bill limits the size of wireless equipment and applies the limits to a broader set of wireless facilities, including associated buildings or ground structures. Caps overall height of poles to 50 feet.

	high, or an additional 10 feet higher than existing poles.	feet to adjacent poles).	feet total.	
<b>Who can apply for consent</b>	Any entity that applies	This was overly broad and allowed speculators to come in and reserve space on poles. Also safety concerns.	Only licensed wireless providers (only four total) and franchised cable operators may apply	Narrows the potential applicants and occupiers of municipal ROWs.
<b>Application Process</b>	<ul style="list-style-type: none"> <li>• Municipalities have 90 days to approve/deny a request.</li> <li>• If an application is insufficient, Municipality has 30 days to request more information.</li> <li>• Limits info Municipality can ask for (no business rationale, placement alternatives, etc.).</li> </ul>	This language was too restrictive, inflexible regarding response time and location of wireless facilities.	<ul style="list-style-type: none"> <li>• Municipalities can suggest other locations within 50 feet</li> <li>• If required to address many applications or multiple requests in a single application, municipality can toll the application up to another 90 days.</li> </ul>	This language reflects the flexibility needed for municipalities to manage the public's rights-of-way. Being able to consider other locations and having more time for consolidated and complex applications gives municipalities the ability to guard public safety.
<b>Consolidated Requests and Fees</b>	<ul style="list-style-type: none"> <li>• Single applications may include an unlimited number of wireless facilities, within one municipality without any additional time to review.</li> <li>• Application fees capped at \$250, regardless of the number of attachments included in an application</li> </ul>	Allowing unlimited wireless facilities in a single application and capping the fee blocks municipalities from effectively considering each wireless facility	While consolidation is still allowed, the municipality may toll process time and fees are now capped at \$250 per wireless attachment (not per application).	This language more appropriately addresses the costs and timing of processing each wireless attachment.
<b>Removal of abandoned wireless facilities</b>	Limits bonds or other financial surety for removal of facilities to that charged of any other commercial development or land use	This is an unreasonable and incomparable limit.	Clarified that the reference point is similar types of facilities in the ROW	Applies a more reasonable/comparable limit.