

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 769

PRINTER NO. 898

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

June 15, 2021

PRIME SPONSOR

Senator Browne

DESCRIPTION

Senate Bill 769 creates the Small Wireless Facilities Deployment Act to codify Federal Communications Commission (FCC) guidelines pertaining to the deployment of small wireless facilities within a right-of-way.

This legislation provides for definitions including the following:

- Communications Service Provider – a cable operator, a provider of information service, a telecommunications carrier or a wireless provider;
- Collocation or Collocate – to install, mount, maintain, modify or replace small wireless facilities on an existing utility pole or other wireless support structure;
- Right-of-way – area on or below or above a public roadway, highway, street, sidewalk, alley, utility, easement, or similar property not including a federal interstate highway;
- Small wireless facility – the equipment and network components, including antennas, transmitters and receivers used by a wireless provider;
- Wireless provider – a person who provides wireless services or a person authorized by the Pennsylvania Public Utility Commission to provide telecommunications services that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures but is not a wireless services provider.

This bill provides for guidelines for right-of-way use for small wireless facilities and utility poles with small wireless facilities attached. A municipality shall not enter into an exclusive arrangement for the use of the right-of-way for the collocation, installation, operation, modification or replacement of utility poles with small wireless facilities attached. A municipality shall be able to charge an annual fee for the use of the right-of-way. Each new or modified small wireless facility shall not extend more than five feet above the existing pole or not taller than 50 feet above ground level. A wireless provider shall repair all damage to the right-of-way or any other land disturbed directly by the activities of wireless provider or its contractors. If repairs are not made within 30 days, the municipality may provide the repairs and charge the wireless provider for the costs of the repairs and a penalty not to exceed \$500.

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Senate Bill 769 provides for the permitting of small wireless and utility poles. A municipality may require an applicant to obtain one or more permits to co-locate, maintain and modify small wireless facilities. An application shall be deemed approved if the municipality fails to approve or deny an application for co-location after 60 days and an application to replace an existing utility pole or install a new utility pole after 90 days. An applicant seeking to co-locate within a single municipality shall be allowed to file a consolidated application as long as the number of facilities does not exceed 20. The co-location, modification, replacement or installation of a utility pole shall be completed within one year of the permit issuance date. An application shall not be required for routine maintenance, repair work or replacement of a similar facility. A municipality shall have the right to charge an application fee and may adjust its fee levels if the FCC adjusts its fee levels.

FISCAL IMPACT:

Senate Bill 769 will have no fiscal impact on Commonwealth funds. This bill provides for fees that may be charged by a municipality as follows:

- Annual fee of not more than \$270 per small wireless facility, unless demonstrated a higher fee is necessary to manage the right-of-way;
- One-time permit application fee of \$500 for not more than five small wireless facilities, and \$100 for each beyond five; and
- One-time permit application fee of \$1,000 for the approval of a facility that requires the installation or replacement of utility poles.

If the Federal Communications Commission adjusts its fee levels, a municipality may adjust any rate or fee to remain consistent with the FCC's adjustment.