

## IMPACT STATEMENT

**Legislation title:** Grant a one-year temporary, revocable permit to Crown Castle Fiber, LLC for wireless communications services in the City (Ordinance)

**Contact name:** Jennifer Li

**Contact phone:** 3-5359

**Presenter name:** Jennifer Li

**Purpose of proposed legislation and background information:**

In 2006, the Council granted a franchise to NewPath Networks, LLC. The franchise was amended and extended several times. NewPath was acquired by Crown Castle Fiber. The company builds and operates wireless infrastructure on behalf of its wireless carrier clients.

In October 2018, the Federal Communications Commission (FCC) issued an order – effective in early 2019 – limiting local government’s ability to impose requirements on small cell deployments, including fee limitations. Portland is leading a national coalition of local governments in litigation against FCC overreach in the small cell order.

In September 2018, Mayor Wheeler and Commissioner Eudaly identified priorities to include in any new franchise with a wireless carrier. Those priorities are embedded in the City’s updated standard franchise for wireless carriers, which complies with federal law and ensures that all carriers are treated similarly. Crown Castle has agreed to the new franchise for a ten-year term. However, because one Commissioner position is currently vacant, Crown Castle has asked Council to consider granting a temporary, revocable permit under substantially similar terms as the new franchise. The temporary, revocable permit will allow Crown Castle to continue providing wireless service and begin deployment of small wireless facilities. The temporary, revocable permit will be superseded by the franchise after the franchise is passed by Council.

**Financial and budgetary impacts:**

Crown Castle has agreed to pay \$1,288 per year per small wireless facility and \$8,280 per year for macro wireless facilities. These rates are for 2020 and are subject to an annual inflation escalator of 3%.

**Community impacts and community involvement:**

Crown Castle has committed to pay for such mutually-agreed-upon necessary structural or electrical improvements to the City’s infrastructure that is related to Crown Castle’s deployment of small wireless facilities.

The temporary, revocable permit allows Crown Castle to apply for individual site permits with the Bureau of Transportation. Crown Castle will be required to follow applicable rules and regulations for permit applications for small cell and macro site permits, including notice requirements.

**100% Renewable Goal:**

N/A

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

- YES:** Please complete the information below.
- NO:** Skip this section

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>