

SENATE BILL REPORT

SHB 2175

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, February 26, 2014

Title: An act relating to removing barriers to economic development in the telecommunications industry.

Brief Description: Removing barriers to economic development in the telecommunications industry.

Sponsors: House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Morrell and Stanford).

Brief History: Passed House: 2/14/14, 96-0.

Committee Activity: Energy, Environment & Telecommunications: 2/26/14 [DPA, w/oRec].

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass as amended.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; McCoy, Ranking Member; Brown, Honeyford, Litzow and Ranker.

Minority Report: That it be referred without recommendation.

Signed by Senators Billig and Chase.

Staff: William Bridges (786-7416)

Background: Microcell Legislation. In 1996 the Legislature (1) categorically exempted from the State Environmental Policy Act (SEPA) the siting of microcells and antennas used to transmit cellular calls, in areas not designated as environmentally sensitive, and (2) encouraged local governments to allow the filing of a single set of SEPA and land use documents for the siting of microcells in a single geographic area. Microcell was defined as an antenna that is either four feet in height with an area of not more than 580 square inches, or a tubular antenna no more than four inches in diameter and no more than six feet in length.

In 2013 the Legislature replaced the categorical SEPA for microcells with an exemption for the collocation, removal, or replacement of wireless service facilities that do not (1) increase the height of the structure by the greater of 10 percent or 20 feet, or (2) add a component to

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the structure that protrudes more than 20 feet, or more than the width of the structure at the level it is placed.

Site Specific Charges for Using Municipal Rights of Way. A municipality may not generally impose fees for the use of a right-of-way by a personal wireless service company; however, the following site-specific charges are allowed if specified in an agreement between the municipality and company for (1) the placement of new structures regardless of height, (2) the placement of replacement structures when the replacement is necessary for the installation or attachment of wireless facilities and the overall height of the replacement structure and facilities is more than 60 feet, or (3) the placement of personal wireless facilities on structures owned by the municipality. A personal wireless service company may seek binding arbitration if a municipality and the company cannot agree on site-specific charges.

Summary of Bill (Recommended Amendments): Requiring Single Permits for Small Cell Networks. Local governments must allow providers of small cell networks to file a consolidated application and receive a single permit for the network instead of filing separate applications for each individual small cell facility.

Defining Small Cell Network. Small cell networks are a collection of interrelated small cell facilities designed to deliver wireless service to a defined geographic area.

Defining Small Cell Facility. A small cell facility is a wireless service facility that meets both of the following elements: (1) each antenna is located inside an antenna enclosure of no more than 3 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 3 cubic feet; and (2) the primary equipment enclosures are no larger than 17 cubic feet in volume; however, the following associated equipment may be located outside the primary equipment enclosure and are not included in the calculation of equipment volume: electric meter, concealment, telecom demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

Changing the Current Law on Filing Single Siting Permits. The statutory language encouraging local governments to allow the filing of a single set of SEPA and land use documents for the siting of microcells in a single geographic area is changed by removing the term microcells and minor facilities and adding wireless service facilities as defined by federal law.

Defining Wireless Service. Wireless service means data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

Modifying Site-Specific Charges for Using Municipal Rights of Way. An agreement between a municipality and a personal wireless service company may specify a site-specific charge for the placement of replacement structures when the replacement is necessary for the installation or attachment of wireless facilities, the replacement structure is higher than the replaced structure, and the overall height of the structure is increased to more than 60 feet.

EFFECT OF CHANGES MADE BY ENERGY, ENVIRONMENT & TELECOMMUNICATIONS COMMITTEE (Recommended Amendments): An incorrect definition is removed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: PRO: The bill updates definitions to recognized new wireless technology that does not increase the height of poles and will encourage more wireless investments in the state by reducing permit times. The bill supplements the legislative changes made in 2013 for this technology. More wireless technology must be deployed to handle the data usage by smart phones.

CON: Cities are concerned about the number of sites one permit would be required to encompass.

Persons Testifying: PRO: Representative Morris, prime sponsor; Bob Bass, President, WA AT&T; Ken Lyons, Busch Law Firm dba AT&T.

CON: Victoria Lincoln, Assn. of WA Cities.