

Written Testimony
In support of Howard County Bill No. 26-2017 with Amendments
By

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Hello. My name is La Tara Harris, Regional Director, External and Legislative Affairs for AT&T here in Maryland. I appreciate the opportunity to address the Council and to provide comments in support of this proposed bill amending your zoning ordinance and in support of amendments to that bill.

Today, more and more consumers are using their smart devices to send text messages, email or video-chat; post to social networks or stream music and movies at home or on-the-go; manage their business operations from almost anywhere; and much more. This increasing use of mobile apps and services that touch nearly every part of our daily lives has led to an explosion in wireless data usage. From January 2007 through December 2016, AT&T experienced a 250,000% increase in data usage on our network. And, as streaming video continues to become more prominent and new apps and services are introduced, this growth in data use will continue to rise.

With this increased demand, AT&T and other industry leaders are coming up with more innovative ways to enhance our network, prepare for the next generation of technologies and services and provide a better experience for our customers. One of these solutions is the deployment and use of small cells.

You are undoubtedly familiar with traditional macro cell sites -- the ones you often see atop free-standing towers, buildings, water tanks or other tall structures. The existing County zoning ordinance was authored with construction of those macro cell sites in mind.

However, in response to increase demand, network architecture is now changing to include “small cells.” Small cells are flexible network solutions that can be readily deployed to specific locations. Small cells provide enhanced voice and data services by helping to bolster network capacity to allow faster downloads and improved call quality for consumers within its coverage area.

Small cells are typically low profile, compact, scalable and unobtrusive. Depending on the need, small cells can be placed in buildings or outdoors. When placed outdoors, small cells can be attached to existing utility poles, light poles, traffic lights or exterior walls of buildings. The antennae on small cells are significantly smaller than the ones you typically see on poles or rooftops today. This bill would properly allow the deployment of small cells in the County right-of-way atop light poles. AT&T supports that proposal. But in order to fully encourage and facilitate the deployment of small cells in the right-of-way, the amendments should go one step further.

AT&T supports amendments to the bill that would extend its reach to similar public structures in the right-of-way such as traffic signals and structures for signage, rather than limiting the scope of the bill to street light poles.

AT&T also supports further amendments that would add clarity to the application requirements and timeframes for permit approvals, which are important factors in deployment decisions. In sum, AT&T urges the Council to not only open the rights-of-way to small cell deployments, but to streamline the procedures for issuance of permits and enable the full, non-discriminatory use of the rights-of-way for the benefit of the County’s residents.

This Council can and should facilitate the deployment of small cells to bring your citizens enhanced coverage and capacity while helping to accommodate future technologies by establishing streamlined permitting processes.

For these reasons, AT&T supports Howard County Bill No. 26-2017 with Amendments.

Proposed Amendments to Howard County Bill No. 26-2017:

Section 18206A

Section (A) should be amended as follows:

(A) APPLICATION FOR A PERMIT. A PERMIT IS REQUIRED FOR THE INSTALLATION, OPERATION, ~~MAINTENANCE,~~ AND REMOVAL OF WIRELESS FACILITIES ON A PUBLIC ~~STREET LIGHTPOLE~~. A PERMIT SHALL NOT BE ISSUED BY THE DIRECTOR UNLESS AND UNTIL AN AGREEMENT FOR USE OF PUBLIC STREET LIGHTS SETTING FORTH THE TERMS AND CONDITIONS FOR THE INSTALLATION OF THE WIRELESS FACILITIES HAS BEEN REACHED BETWEEN THE COUNTY AND THE APPLICANT, WHICH SHALL INCLUDE FAIR COMPENSATION TO THE COUNTY FOR APPLICANT'S USE OF THE PUBLIC STREET LIGHTS. AN APPLICATION SHALL NOT BE REQUIRED FOR ROUTINE MAINTENANCE AND THE REPLACEMENT OF A WIRELESS FACILITY WITH ANOTHER SMALL WIRELESS FACILITY THAT IS SUBSTANTIALLY SIMILAR OR SMALLER IN SIZE, WEIGHT, AND HEIGHT.

Section B(2) should be amended as follows:

PUBLIC ~~STREET LIGHTPOLE~~ MEANS ~~THE AN~~ EXISTING STRUCTURE OWNED OR OPERATED BY THE COUNTY, INCLUDING STREET LIGHT POLES, TRAFFIC SIGNALS, AND STRUCTURES FOR SIGNAGE IN PRIMARILY DESIGNED FOR LIGHTING A PUBLIC RIGHT-OF-WAY, INCLUDING THE SUPPORTING POLE, LUMINAIRE, ARMS, LEASED ELECTRIC WIRES, FOUNDATIONS, INTERNAL DIVIDERS, HAND HOLES, VAULTS, PEDESTALS, AND BASES. A PUBLIC ~~POLESTREET LIGHT~~ DOES NOT INCLUDE:

- ~~(I) A LIGHTING SYSTEM ATTACHED TO A UTILITY POLE, TRAFFIC SIGNAL POLE, BUILDING, OR SIMILAR STRUCTURE; OR~~
- ~~(II) ANY FACILITY THAT IS PRIVATELY OWNED.~~

Section (C) should be amended as follows:

(C) INFORMATION REQUIRED. THE COUNTY SHALL CREATE AN APPLICATION FORM THAT MAY REQUIRE THE APPLICANT TO SHALL SUBMIT THE FOLLOWING INFORMATION IN THE REQUEST TO USE THE PUBLIC ~~POLESTREET LIGHTS, AND SUCH OTHER INFORMATION AS THE COUNTY MAY REQUEST IN CONNECTION WITH ITS REVIEW OF THE APPLICATION:~~

- (1) A TECHNICAL DESCRIPTION OF THE PROPOSED WIRELESS FACILITIES INCLUDING DETAILED SPECIFICATIONS AND DIAGRAMS ACCURATELY DEPICTING THE PROPOSED WIRELESS FACILITIES, AND THE LOCATIONS OF THE PUBLIC ~~STREET LIGHTS~~POLE ON THE PUBLIC RIGHTS-OF-WAY THE APPLICANT PROPOSES TO USE;
- (2) A DETAILED DEPLOYMENT PLAN DESCRIBING CONSTRUCTION OF THE WIRELESS FACILITIES PLANNED FOR THE 12-MONTH PERIOD FOLLOWING THE ISSUANCE OF THE PERMIT;

(3) ENGINEERING CERTIFICATIONS RELATING TO THE PROPOSED CONSTRUCTION;

(4) A STATEMENT DESCRIBING THE APPLICANT'S INTENTIONS WITH RESPECT TO COLLOCATION, AND IF THE APPLICANT IS NOT A WIRELESS PROVIDER, THE IDENTITY OF THE WIRELESS PROVIDER(S) USING THE PROPOSED WIRELESS FACILITIES;

(5) A STATEMENT DEMONSTRATING THE APPLICANT'S DUTY TO COMPLY WITH APPLICABLE SAFETY STANDARDS FOR THE PROPOSED ACTIVITIES IN THE PUBLIC RIGHT-OF-WAY INCLUDING EMERGENCY RESPONSE PLAN, SCHEDULE OF MAINTENANCE, OPERATION, RELOCATION, AND REMOVAL OF THE WIRELESS FACILITIES AT APPLICANT'S SOLE COST; AND

(6) SUCH OTHER INFORMATION NECESSARY FOR AS-THE COUNTY TO DETERMINE THE TECHNICAL FEASIBILITY OF THE PROPOSED ACTIVITIES~~MAY REQUIRE IN AN APPLICATION FORM.~~

Section (D) should be amended as follows:

(D) (1) DISCRETION OF DIRECTOR. A PERMIT SHALL NOT BE ISSUED WITH RESPECT TO ANY PUBLIC STREET LIGHTPOLE, WHERE, IN THE JUDGMENT OF THE DIRECTOR, SUFFICIENT CAPACITY NO LONGER EXISTS FOR ADDITIONAL WIRELESS FACILITIES TO BE PLACED IN THE PROPOSED LOCATION WITHOUT JEOPARDIZING THE PHYSICAL INTEGRITY OF PUBLIC WATER AND SEWER AND OTHER UTILITIES OR OTHER FACILITIES ALREADY PRESENT IN THE PROPOSED LOCATION, OR THE SAFE AND EFFICIENT VEHICULAR OR PEDESTRIAN USE OF THE PUBLIC RIGHT-OF-WAY; OR WHERE THE USE OF THE PUBLIC STREET LIGHTPOLE OR WORK ASSOCIATED WITH THE USE OR MAINTENANCE OF THE WIRELESS FACILITY WOULD VIOLATE APPLICABLE LAW.

(2) THE DIRECTOR SHALL REVIEW THE APPLICATION FOR A WIRELESS FACILITY PERMIT IN LIGHT OF ITS CONFORMITY WITH APPLICABLE REGULATIONS AND SHALL ISSUE A PERMIT ON NONDISCRIMINATORY TERMS AND CONDITIONS SUBJECT TO THE FOLLOWING TIMING REQUIREMENTS:

(A) WITHIN 10 DAYS OF RECEIVING AN APPLICATION, THE DIRECTOR MUST DETERMINE AND NOTIFY THE APPLICANT WHETHER THE APPLICATION IS COMPLETE; OR IF AN APPLICATION IS INCOMPLETE, THE DIRECTOR MUST SPECIFICALLY IDENTIFY THE MISSING INFORMATION.

(B) MAKE ITS FINAL DECISION TO APPROVE OR DENY THE APPLICATION WITHIN SIXTY (60) DAYS; AND

(C) ADVISE THE APPLICANT IN WRITING OF ITS FINAL DECISION, AND IN THE FINAL DECISION DOCUMENT THE BASIS FOR A DENIAL. THE APPLICANT MAY CURE THE DEFICIENCIES IDENTIFIED BY THE DIRECTOR AND RESUBMIT THE APPLICATION WITHIN 30 DAYS OF THE DENIAL WITHOUT PAYING AN ADDITIONAL APPLICATION FEE. THE DIRECTOR SHALL APPROVE OR DENY THE REVISED APPLICATION WITHIN 30 DAYS OF RECEIPT OF THE AMENDED APPLICATION. THE SUBSEQUENT REVIEW BY THE DIRECTOR SHALL BE LIMITED TO THE DEFICIENCIES CITED IN THE ORIGINAL DENIAL.

(D) IF THE DIRECTOR FAILS TO ACT ON AN APPLICATION WITHIN THE SIXTY (60) DAY REVIEW PERIOD, THE APPLICANT MAY PROVIDE NOTICE THAT THE TIME PERIOD FOR ACTING HAS LAPSED AND THE APPLICATION IS THEN DEEMED APPROVED.

(3) AN APPLICANT MAY, AT THE APPLICANT'S DISCRETION, FILE A CONSOLIDATED APPLICATION AND RECEIVE A SINGLE PERMIT FOR MULTIPLE WIRELESS FACILITIES. THE DIRECTOR SHALL GRANT A PERMIT FOR ANY AND ALL SITES IN A SINGLE APPLICATION THAT IT DOES NOT DENY SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

Section (E) should be amended as follows:

(E) FEES FOR PERMIT REVIEW. THE COUNTY SHALL CHARGE AND AN APPLICANT SHALL PAY ~~AN A~~ REASONABLE APPLICATION REVIEW FEE FOR THE REVIEW OF A PERMIT ISSUED UNDER THIS SECTION. THE PUBLIC ~~STREET LIGHTPOLE~~ PERMIT REVIEW FEE SHALL BE ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL AND SHALL BE IN ADDITION TO ANY COMPENSATION AGREED TO BY THE PARTIES UNDER THE AGREEMENT FOR USE OF THE PUBLIC ~~STREET LIGHTSPOLES~~.

New Section (G) should be added as follows:

(G) EFFECT OF PERMIT. (1) NO PROPERTY RIGHT OR OTHER INTEREST CREATED. A PERMIT FROM THE COUNTY AUTHORIZES AN APPLICANT TO UNDERTAKE ONLY CERTAIN ACTIVITIES IN ACCORDANCE WITH THIS SECTION, AND DOES NOT CREATE A PROPERTY RIGHT OR GRANT AUTHORITY TO THE APPLICANT TO IMPINGE UPON THE RIGHTS OF OTHERS WHO MAY ALREADY HAVE AN INTEREST IN THE RIGHTS-OF-WAY.

(2) DURATION. NO PERMIT FOR CONSTRUCTION ISSUED UNDER THIS SECTION SHALL BE VALID FOR A PERIOD LONGER THAN TWELVE (12) MONTHS UNLESS CONSTRUCTION HAS ACTUALLY BEGUN WITHIN THAT PERIOD AND IS THEREAFTER DILIGENTLY PURSUED TO COMPLETION.

THE NEED FOR SMALL CELLS: MEETING CONSUMER DEMAND, ENABLING INNOVATION

CONSUMERS ARE USING INTERNET CONNECTED DEVICES AND DEMANDING MORE DATA THAN EVER BEFORE.

- Wireless data more than doubled in 2015, with 3X the data growth from 2013-2015.¹
- Today, there are an average of 13 connected devices per household.²
- By 2020, there will be 20.8 billion devices connected to the internet, generating over 20 zettabytes of data.
 - ▶ For reference, if one gigabyte is represented by the volume of an 11 oz. cup of coffee, one zettabyte would be the equivalent of the volume of the Great Wall of China.³



SMALL CELLS HELP MEET THIS INCREASING DEMAND THAT IS PUTTING IMMENSE PRESSURE ON OUR MOBILE NETWORKS.

- Small cells help to deliver increased data capacity, faster connectivity speeds and an overall better wireless experience.
- Small cells are flexible network solutions—like mini-macro cell sites—that can be readily deployed to specific locations that are heavily populated, prone to connection issues or that can't effectively be served by a traditional macro cell.
- Previous small cell trials have shown that adding 3 small cells to increase coverage of a macro cell can double the capacity available in that area.⁴
- Mobile providers will be able to provide a better experience today while preparing for the technologies of the future – such as 5G, smart cities and new developments in the Internet of Things (IoT).

Small cells will ensure that consumers have access to the connectivity they need, while ensuring mobile networks can enable innovative technologies of the future.



¹ CTIA (2015), <http://www.ctia.org/industry-data/ctia-annual-wireless-industry-survey>
² HIS Markit (June 7, 2016), <https://technology.ihs.com/579425/connected-device-market-monitor-q1-2016>
³ Gartner, <http://view.ceros.com/gartner/iot/p/1>
⁴ CNET (June 9, 2013), <https://www.cnet.com/news/the-carriers-not-so-secret-weapon-to-improve-cell-service/>