<table>
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<th>MYTHS</th>
<th>FACTS</th>
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| **1** | **MYTH:** SB 649 is intended for 5G deployment. | **FACT:** There’s no mention, let alone a requirement for the equipment to deliver 5G or any standard level of technology. After the “meets the following qualifications,” it only specifies the size of the equipment – no tech standard is ever mentioned.  
**Bill Language:** 18 (2) (A) “Small cell” means a wireless telecommunications facility, as defined … or a wireless facility that uses licensed or unlicensed spectrum … |
| **2** | **MYTH:** SB 649 will help advance deployment of wireless technology | **FACT:** There’s no requirement anywhere in the bill for the technology to ever be deployed, nor has there been any proof that cities have been an obstacle to deployment, and in our view, this bill would actually hurt deployment efforts because the fee caps incentivize deployment in population hubs since they can deploy there well below market rates.  
**Bill Language:** NA |
| **3** | **MYTH:** SB 649 is about streamlining the process for “small cell” wireless facilities. | **FACT:** Aside from the 35 cubic feet of allowances for “small cell” equipment, the bill goes on to exclude a host of “ancillary” equipment in the bill, meaning there’s virtually an unlimited amount and size of equipment that can be installed for small cells. Additionally, this bill applies to “micro-wireless” facilities that have nothing to do with 5G as well as ALL communications facilities used by any industry, including gas, electric, and water.  
**Bill Language:** 22 (i) The small cell antennas … total no more than six cubic feet in volume, … associated equipment on pole structures does not exceed nine cubic feet … total of associated equipment on pole structures does not exceed 21 cubic feet. The cumulative total of any ground-mounted equipment … on any pole or nonpole structure does not exceed 35 cubic feet … ancillary equipment are not included in the calculation of equipment volume … “Small cell” includes a micro wireless facility. |
| **4** | **MYTH:** SB 649 is limited to just the public right-of-way. | **FACT:** Neither the intent nor the plain language of the bill limit this new permitting process to just the public right-of-way. It’s clear that ANY zone, including commercial and industrial use zones are INCLUDED under the parameters of this bill.  
**Bill Language:** 22 (1) The small cell is located in the public rights-of-way in any zone or in any zone that includes a commercial or industrial use. 29 (f) Grants providers fair, reasonable, nondiscriminatory, and nonexclusive access to locally owned utility poles, streetlights, and other suitable host infrastructure located within the public rights-of-way and in other local public places such as [transit stations and public buildings] … |
**MYTH**: SB 649 ensures locals get to retain their discretion.

**FACT**: It’s clear from both the intent and plain statutory language of the bill that SB 649 aims to eliminate the discretionary permitting process and move it over into the ministerial, or over-the-counter permitting process. Because the bill defines “small cells” cities are unable to require anything more restrictive than those definitions. Additionally, the inclusion of the word “feasible” means industry gets to make a determination as to what’s feasible (affordable, timely, etc) for their design standards and equipment, not the local government.

*Bill Language: 18 (c) Recognizes that...individual small wireless facilities...should not be subject to discretionary zoning review.*

*29 (b) (1) ...small cell be approved pursuant to a building permit...with placement outside of the public rights-of-way or an encroachment permit ... for the placement in public rights-of-way...A condition to comply with feasible design and collocation standards on a small cell to be installed on property not in the rights-of-way.*

**MYTH**: SB 649 will allow local governments to impose a $250 charge they are not currently collecting IN ADDITION TO being able to collect lease revenues using a specified formula.

**FACT**: SB 649 creates an arbitrary $250 charge that cities can apply for every small cell installation instead of allowing cities to impose market rate leases for use of their public facilities as they currently do. In addition to the $250 charge, SB 649 established a “formula” for cities to be able to collect a lease, or an “attachment rate,” that is so administratively burdensome cities simply will not go through that process and instead live with the $250 charge.

For example, can cities figure out what the “annual costs of ownership” is for a stop sign, street light, and traffic light separately for every small cell installation?

Furthermore, would it be worth it for cities to go through this burdensome process to only collect a fraction of what would normally be a market rate lease? Cities could expend more funds trying to make such calculations than what they would get under the formula.

*Bill Language: 10 (d) (1) A city or county may charge the following fees: An annual charge not to exceed two hundred fifty dollars ($250) for each small cell attached to city or county vertical infrastructure.*

*14 (b) An annual attachment rate that does not exceed an amount resulting from the following requirements: The city or county shall calculate the rate by multiplying the percentage of the total usable space that would be occupied by the attachment by the annual costs of ownership of the vertical infrastructure and its anchor, if any. The city or county shall not levy a rate that exceeds the estimated amount required to provide use of the vertical infrastructure for which the annual recurring rate is levied. If the rate creates revenues in excess of actual costs, the city or county shall use those revenues to reduce the rate.*

*25 (iii) For purposes of this subparagraph: “Annual costs of ownership” means the annual capital costs and annual operating costs of the vertical infrastructure, which shall be the average costs of all similar vertical infrastructure owned or controlled by the city or county. The basis for the computation of annual capital costs shall be historical capital costs less depreciation. The accounting upon which the historical capital costs are determined shall include a credit for all reimbursed capital costs. Depreciation shall be based upon the average service life of the vertical infrastructure. Annual cost of ownership does not include costs for any property not necessary for use by the small cell. “Usable space” means the space above the minimum grade that can be used for the attachment of antennas and associated ancillary equipment.*

**Vote No on SB 649 (HUESO)**