

ASSEMBLY BILL

No. 1874

Introduced by Assembly Member Cohn

February 3, 2004

An act to add Section 7915 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 1874, as introduced, Cohn. Telecommunications: Broadband Deployment Act of 2004.

Under existing law, the Federal Communications Commission licenses and partially regulates providers of commercial mobile radio service, including providers of cellular radiotelephone service, broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR) services.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telegraph and telephone corporations, except to the extent regulation of commercial mobile radio service is preempted by federal regulation. Under existing law, the commission is required, unless excepted, to issue a certificate of public convenience and necessity for the construction of a line, plant, or system.

Under existing law, the legislative body of a local government is authorized to grant franchises for the construction of public utilities and to permit the construction and maintenance of telegraph and telephone lines.

This bill would require that a city, county, or city and county, act within a specified time, upon an application by a mobile telephony services provider, defined to include cellular radio telephone service,

PCS, and SMR, for a building permit, right-of-way permit, or other necessary authorization to erect poles or towers for the transmission of radiowaves to service existing or potential customers, and would authorize any additional cost incurred by the city, county, or city and county to comply with this requirement to be reflected in the fees charged mobile telephony services providers for making an application. The bill would require the commission to establish a standardized process to be utilized by a mobile telephony services provider in making an application to a city, county, or city and county for a building permit, right-of-way permit or other necessary authorization to erect poles or towers for the transmission of radiowaves to service existing or potential customers.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7915 is added to the Public Utilities
- 2 Code, to read:
- 3 7915. (a) This section shall be known, and may be cited, as
- 4 the Broadband Deployment Act of 2004.
- 5 (b) For purposes of this section, “mobile telephony services”
- 6 means commercially available interconnected mobile phone
- 7 services that provide access to the public switched telephone
- 8 network (PSTN) via mobile communication devices employing
- 9 radiowave technology to transmit calls, including cellular
- 10 radiotelephone, broadband Personal Communications Services
- 11 (PCS), and digital Specialized Mobile Radio (SMR). “Mobile
- 12 telephony services” does not include mobile satellite services or
- 13 mobile data services used exclusively for the delivery of nonvoice
- 14 information to a mobile device.
- 15 (c) A city, county, or city and county shall, within ___ days, act
- 16 upon any application by a mobile telephony services provider for
- 17 a building permit, right-of-way permit, or other necessary



1 authorization to erect poles or towers for the transmission of
2 radiowaves to service existing or potential customers. If the
3 application for a permit or other necessary authorization is denied
4 because it is incomplete, the denial shall identify what additional
5 information or other matter are necessary to complete the
6 application. Any additional costs incurred by a city, county, or city
7 and county as a result of compliance with this section, may be
8 reflected in the fees charged mobile telephony services providers
9 for making an application.

10 (d) The commission, by rulemaking or other appropriate
11 procedure, shall establish a standardized process to be utilized by
12 a mobile telephony services provider in making an application to
13 a city, county, or city and county for a building permit,
14 right-of-way permit or other necessary authorization to erect poles
15 or towers for the transmission of radiowaves to service existing or
16 potential customers.

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 a local agency or school district has the authority to levy service
20 charges, fees, or assessments sufficient to pay for the program or
21 level of service mandated by this act, within the meaning of
22 Section 17556 of the Government Code.

