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Navigating Wireless Facility Permitting, Charge Fair Market Values and Avoiding Common Pitfalls

The League of California Cities – 2025 Annual Conference
Long Beach, California

Gerard Lavery Lederer & Bennett Givens

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About Us

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BBK Telecom Team

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ATTORNEYS AT LAW

Brittany Weidner
Associate
brittany.weidner@bbklaw.com

Bennett Givens
Associate
bennett.givens@bbklaw.com

Gerard Lavery Lederer
Partner
gerard.lederer@bbklaw.com

Gail A. Karish
Partner
gail.karish@bbklaw.com

Tillman L. Lay
Partner
tillman.lay@bbklaw.com

Cheryl Leanza
Of Counsel
cheryl.leanza@bbklaw.com

Gregory M. Caffas
Associate
gregory.caffas@bbklaw.com

Jenna Oh
Associate
jenna.oh@bbklaw.com

Agenda

1. Wireless Technology & Industry Overview
2. Wireless Facility Permitting Best Practices and Common Pitfalls
3. Wireless Ordinance Updates
4. Upcoming Federal and FCC Actions
5. Leveraging City Real Estate Assets – Cell Sites and Maximizing Value

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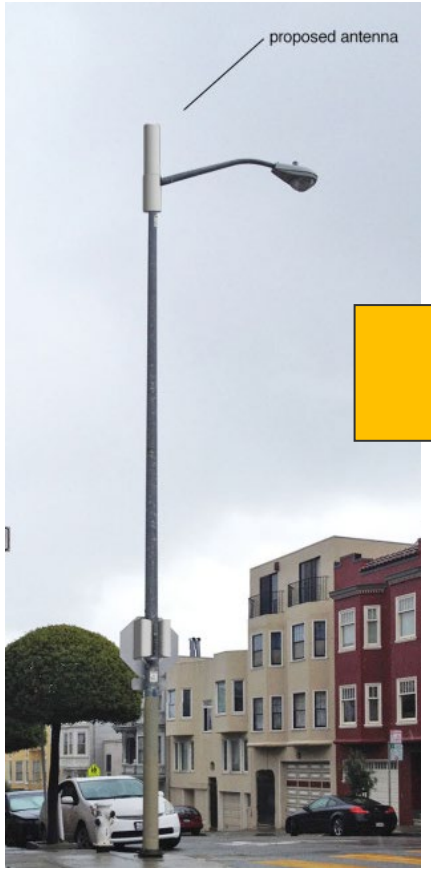
Technology & Industry Overview

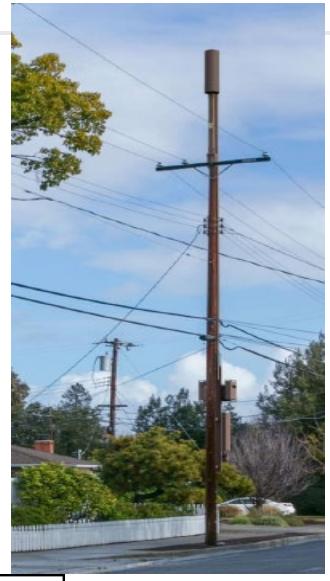
Industry Players

- **Traditional Wireless Carriers –** Verizon Wireless, AT&T, T-Mobile
- **Newer Entrants –** DISH (facilities-based), Xfinity Mobile (Verizon+Comcast WiFi hotspots)
- **Infrastructure/RE Companies**– American Tower, Phoenix Tower, Vertical Bridge, Crown Castle, TowerPoint
- **Carriers' Carriers (ROW)** – Crown Castle (selling fiber to Zayo, small cells to EQT Active Core Infrastructure), ExteNet
- **Site Acquisition Consultants** – MD7, GenTech, Terra, KGI, Eukon Group
- **Property Owners** – municipalities, public agencies, private property owners

Types of Facilities



Small Cells



Macro Cell Site

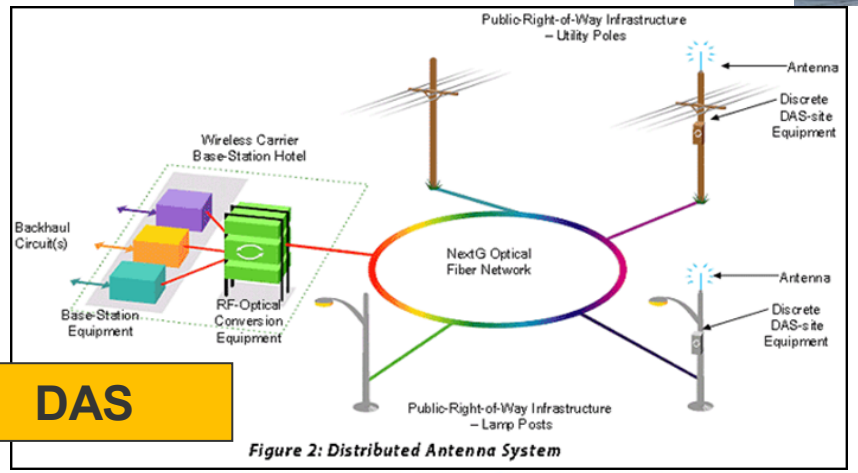


Figure 2: Distributed Antenna System

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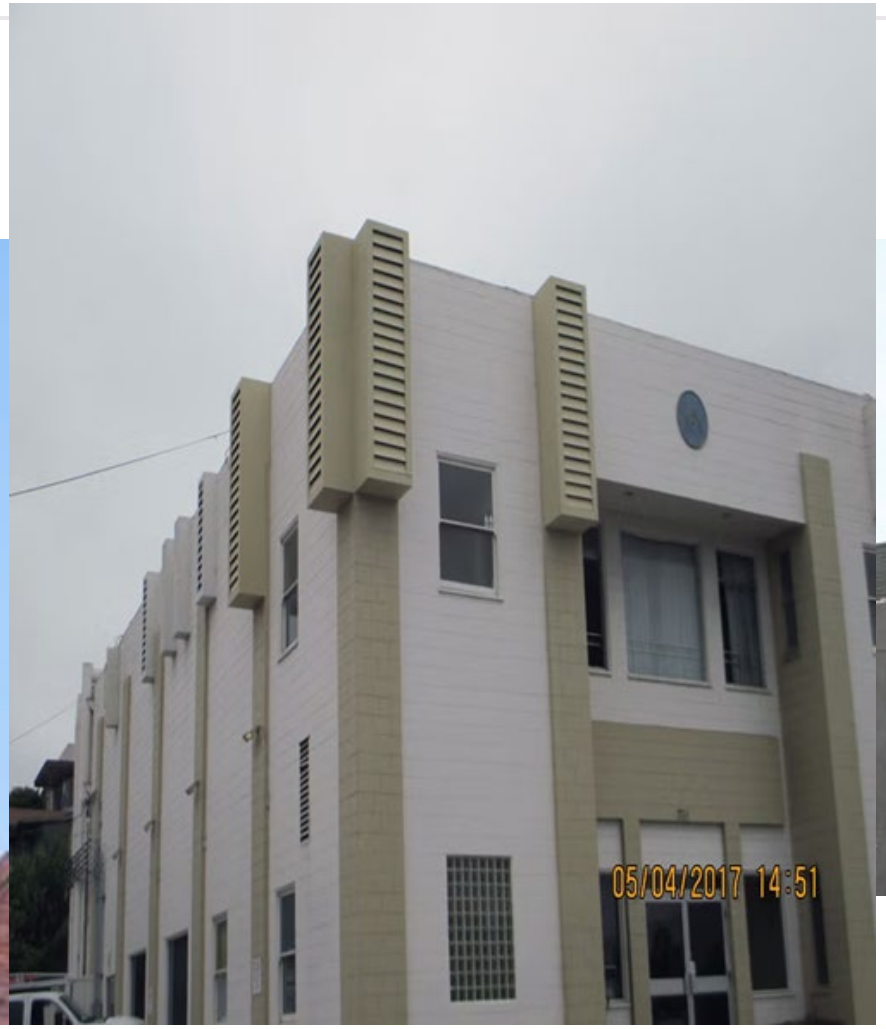
Standalone Macro Facilities & Concealment

Rooftop and Building Mounted Facilities & Concealment



Ground Mounted Equipment Concealment

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Wireless Facility Permitting Best Practices and Common Pitfalls

National Policy On Wireless Service (1996)

- **National deployment policy** – no local decision or regulation can prohibit or have the effect of prohibiting the provision of personal wireless service (Sec. 332) or telecommunications service (Sec. 253)
- **National RF emissions guidelines** – FCC sets the RF emissions safety standards; localities cannot regulate placement based on RF emissions except to ensure applicant has shown it will comply with FCC guidelines
- **Timely action required on wireless applications**
- **Written denials required for wireless applications** – denial must be in writing and based on substantial evidence in the record
- **Non-discrimination** – no unreasonable discrimination among providers of functionally equivalent services (Sec. 332); competitively neutral and nondiscriminatory ROW management and fair and reasonable compensation (Sec. 253)
- **Expedited appeals for wireless applications** – 30 days from final action

The Federal Legal Framework

Telecommunications Act (1996) - 47 U.S.C. § 332(c)(7)

- Applies to all applications for "personal wireless services facilities"
- Preempts local/state regulations that prohibit or have effect of prohibiting ability of any entity to provide personal wireless services
- Generally preserves local authority to control placement of person wireless facilities, subject to substantive and procedural limits

Telecommunications Act - 47 U.S.C. § 253

- Preempts local/state regulations that prohibit or have effect of prohibiting ability of any entity to provide telecom services
- Nondiscriminatory RoW management and compensation protected

Middle Class Tax Relief Act (2012) - 47 U.S.C. § 1455(a) & 2014 EFR Implementation Order

- Applies to all "wireless" applications (broader)
- Requires approval of certain collocations/modifications to existing sites ("eligible facilities requests")
- *2014 Order* set the basic EFR rules, including 60-day shot clock and deemed approved remedy

FCC Regulations

- Orders, declaratory rulings and regulations interpret federal statutes
- Carry the force of law

Recent FCC Orders

- **2018 – Moratoria Order**: Banned express and *de facto* moratoria on processing telecommunications facilities applications
- **2018 – Small Cell Order**: Adopted new limitations on local authority over “small wireless facilities”
- **2019 – In-Kind Order**: Interpreted scope of cable franchise authority to include wireless devices
- **2020 – EFR Clarifications Order**: FCC adopted “clarifications” to Section 6409 rules.
- **2020 – EFR Expansions Order**: A site expansion up to 30 feet in any direction does not constitute a substantial change

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Wireless Facility Permitting Best Practices and Common Pitfalls

Shot Clocks

Summary of FCC Shot Clocks

FCC Category		Applicable Shot Clock
Eligible Facilities Requests (EFR) Must involve modification to existing wireless facility (tower or base station) and meet size and other requirements to qualify as EFR		60 days
Small Cells (Small Wireless Facility (SWF)) Must be personal wireless services facility that meets size and other requirements to qualify as SWF.	Placement on existing structure (need not be existing wireless facility)	60 days
	New	90 days
Collocations Must involve placement of personal wireless services facility (that does not qualify as EFR or SWF) on existing structure which need not have wireless facility already on it		90 days
Other Personal wireless services facility that does not fall in any other category		150 days

What Starts a Shot Clock?

- Submittal of the application triggers start of shot clock, but disputes over start of shock clock happen all the time
- Count forward, beginning on the day after the date when the application was submitted/resubmitted
- Special Issues: Business Hours, Holidays/Weekends, Mandatory Pre-App Meetings, Voluntary Inquiries, Online Portals, Appointments, Emergencies, Fee Payments
- Practice Tip 1: Have clear rules on application intake and post them.
- Practice Tip 2: In ROW, regulatory permitting and proprietary contracting need to be completed within the shot clock, or request applicant waiver for contract.

How to Toll the Shot Clock

- There are only two ways to toll or stop the running of a shot clock:
  - (1) to provide timely notice of incompleteness (NOI);
  - (2) “toll” the shot clock by mutual agreement with the applicant. Tolling agreements may be reached at any time during the process, and should be in writing signed by both parties. *More on tolling agreements in later sessions.*

Notice of Incompleteness (NOI) Process

- To stop shot clock NOI must:
  - Be in writing
  - List missing info and code provision, ordinance, application instruction, or other publicly-stated procedure requiring that info
  - Be issued w/in 30 days after application submission (Special Rule for Small Wireless Facilities – 10 days for initial NOI)
- Timely issuance of NOI stops shot clock until applicant submits supplemental info, at which point it begins to run again, unless and until the local jurisdiction issues another timely NOI (Special Rule for Small Wireless Facilities – first NOI *resets* clock upon resubmittal)
- Practice Tip 3: Make sure your application form matches your Code and other submittal requirements.
- Practice Tip 4: Create form letters for NOIs that help speed response, as review time eats into overall shot clock (except first SWF review/reset).

Notice of Incompleteness (NOI) Process

- All subsequent NOIs
  - Local jurisdiction has 10 days from receipt of supplemental info to issue another NOI
  - Any subsequent NOIs must be based on missing info from first NOI (punch list)
- Shot clock stops when local jurisdiction timely submits a subsequent NOI to applicant and begins again when applicant submits further supplemental info
- Cycle can continue until shot clock runs out, at which point local jurisdiction must make a decision or potentially face a “deemed granted” determination (covered in later session)
- Practice Tip 5: Late-issued NOIs or information requests are ok, but shot clock is not tolled during the time it takes the applicant to respond

Batch Broadband Permit Processing

- FCC Small Cell Order already authorizes permit batching.
- California expands concept with AB 965:
  - “Batch broadband permit processing” is the simultaneous processing of two or more (and as many as 25 or 50) broadband permit applications for substantially similar broadband project sites under a single permit
  - Broadband project sites are considered “substantially similar” if they are “nearly identical in terms of equipment and general design, but not location.”
  - Local jurisdictions may set “reasonable limits” on the number of broadband project sites included in a single permit, consistent with the minimums established by the bill
  - Went into effect on Jan. 1, 2024

Why Does This All Matter?

- Deemed Granted Remedies Are Available For All Shot Clocks if Missed
  - Federal – Eligible Facilities Requests Only:
    - If 332(c)(7) deadlines missed, local jurisdiction may show that delay was justified (rebuttable presumption)
    - Under Section 6409, if deadline passes applicant may notify community that application is "deemed granted"
    - No affirmative action required by local jurisdiction under federal law
  - **State – All Other Wireless Application Types**
    - Government Code 65964.1 (Does Not Apply to Fire Department Properties)
    - To trigger remedy, Applicant must send notice that an FCC shot clock was missed
    - Recent case law suggests no affirmative action needed on behalf of local jurisdiction, i.e. if not challenged, notice itself can act as permit
  - Practice Tip 6: Don't Panic – Depending on the circumstances, the city may have options.

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Radio Frequency (RF) Concerns

National RF Emissions Standards

- Telecom Act of 1996 directed FCC to “prescribe and make effective rules regarding the environmental effects of radio frequency emissions”
  - FCC adopted standards which are contained in OET Bulletin 65

- Two Standards:
  - General Public; and
  - Occupational Workers With Training.

The General Public standard establishes limits for constant presence without danger to health.

Restriction on Local Regulation

- Localities cannot regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with FCC RF emissions regulations. 47 USC §332(c)(7)(B)(iv).

- Sample Impermissible RF Regulations:
  - Separations from sensitive uses
  - Supplemental regulation of RF (RF Testing (*City of Calabasas*) and additional RF Warnings (*City of Berkeley*)
  - Decision-making based on concerns over RF emissions where compliance shown

Common Concerns Raised at Public Meetings

Perceived Negative Health Impacts

- Direct or indirect concerns over the perceived health effects of RF emissions may not serve as substantial evidence to support the denial of an application, where an applicant has demonstrated compliance with the FCC's standards for RF emissions.

Diminished Property Values

- Claims that a proposed wireless facility will result in diminished property values that are rooted in a concern about the perceived effects of RF emissions cannot constitute substantial evidence supporting a denial of a wireless facility application.

The ADA/FHA Prevent Approval

- Hypersensitivity to RF emissions is not recognized as requiring accommodation under the Americans with Disabilities Act if compliance with the FCC's Standards is shown.
  - Cases reason that it is not a reasonable accommodation to require violation of federal law.

RF Considerations For Wireless Applications

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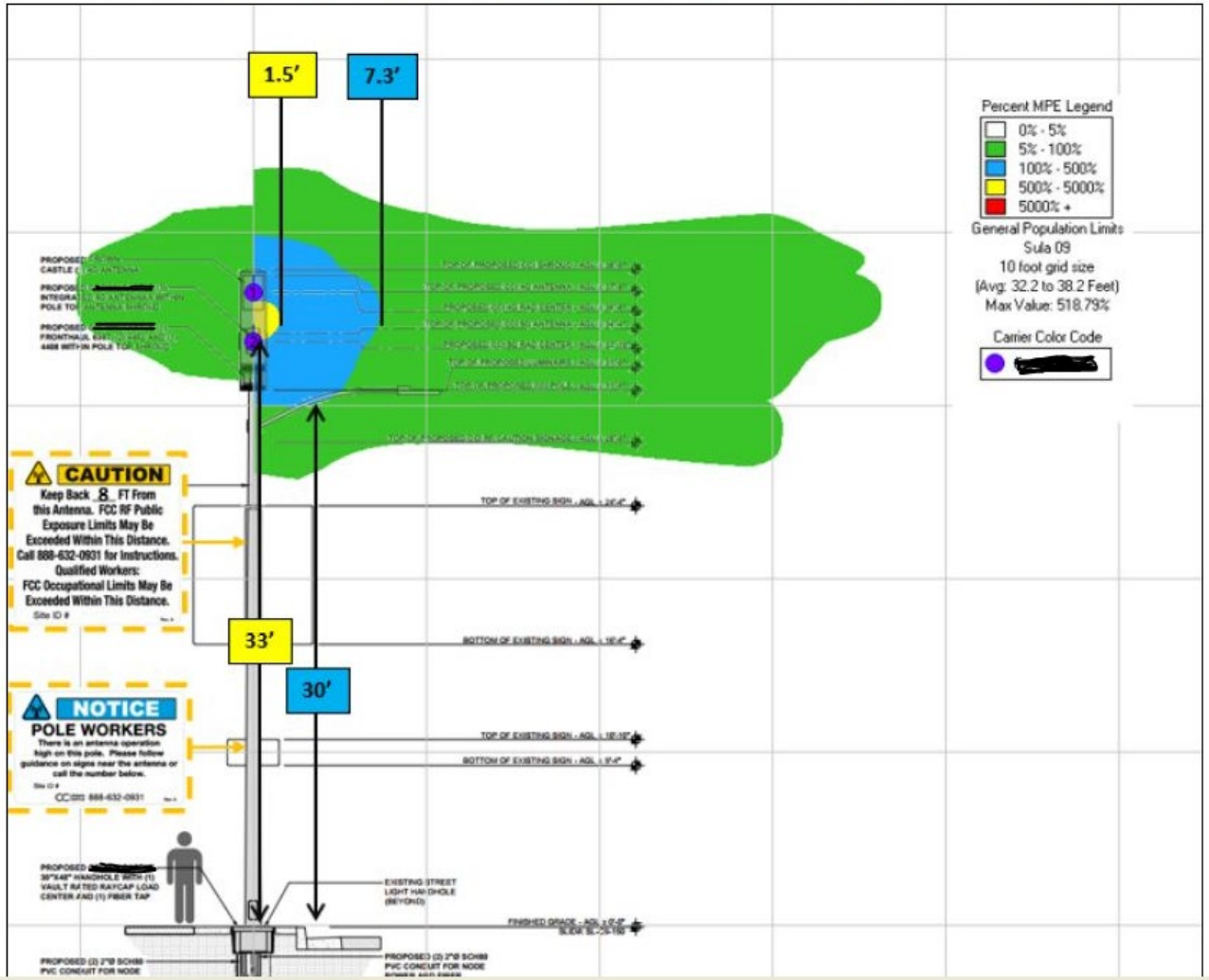
- **Processing Practice Tips**:
  - Ensure Applicant has adequately demonstrated compliance with the FCC's RF Standards – usually through a certified RF Report or other certification.
  - Request useful graphic depictions and report information. Don't be afraid to ask for clarification or revision.
  - Require RF reports or certifications for each site (e.g. small cells or batched applications) – each site is unique (location + cumulative impacts)
- **Decision-Making Practice Tips**:
  - Localities cannot prevent discussion of RF health concerns by the public. Approval authorities need to ensure that impermissible RF concerns do not form a basis for their decision.
  - Don't blindly follow other cities' actions and regulations.
  - Avoid adding onerous ongoing RF compliance conditions of approval that may be challenged as unlawful supplemental regulation (e.g. preempted annual certification requirements)

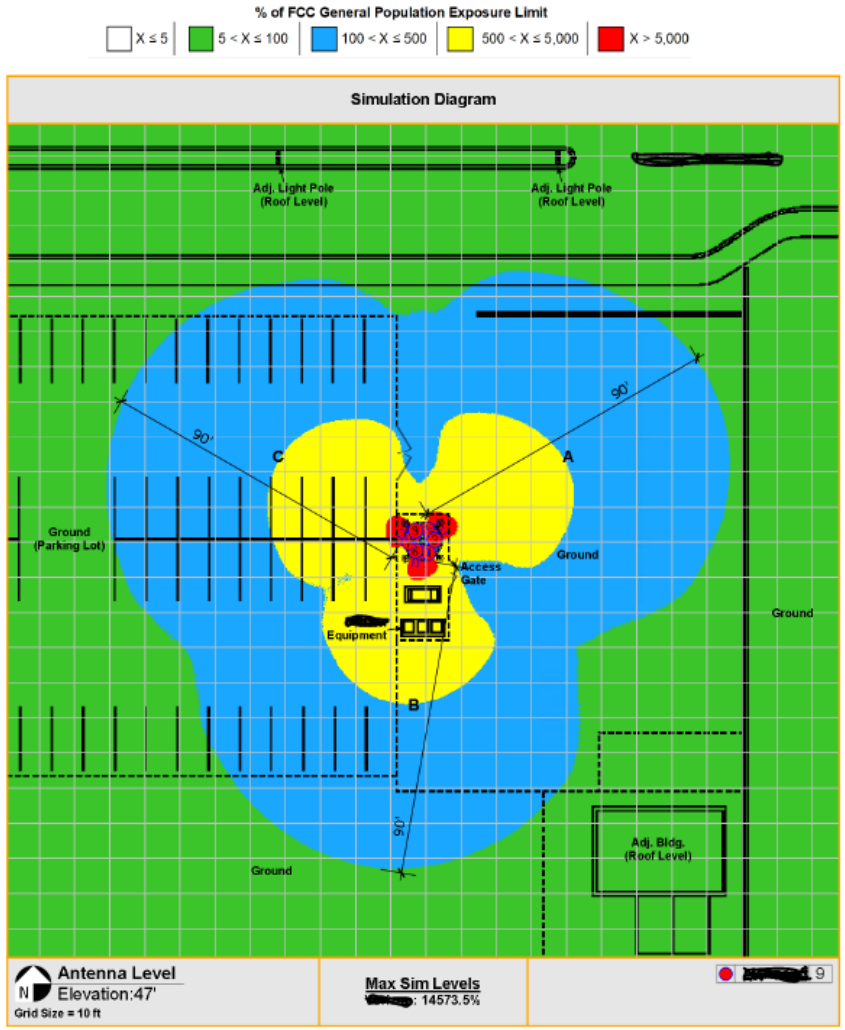
Tips for Reviewing an RF Compliance Report

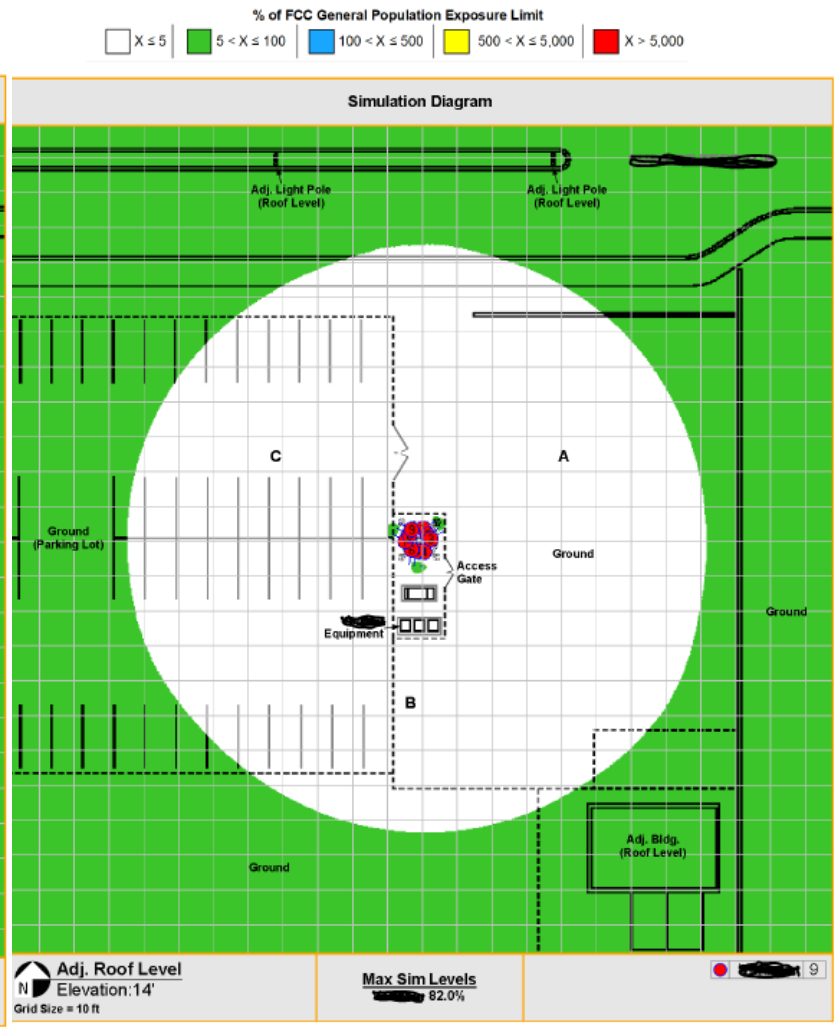
Figure 1: Predicted MPE level in relation to the center of a 6-foot vertical space that a person(s) can occupy at Ground Level

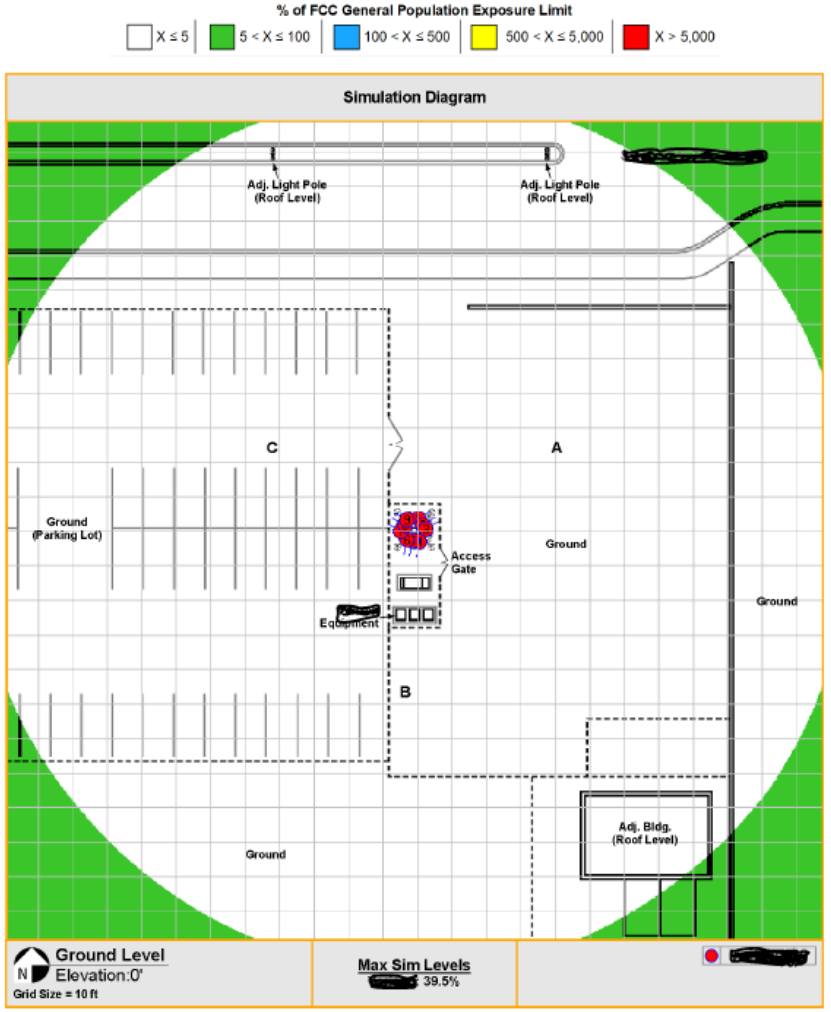


- Review **Cumulative** Impacts: Confirm Antenna Inventory includes all emitters/antennas in the vicinity.
- Double check FCC's General Population Maximum Permissible Exposure (MPE) color coding.
- Ensure RF report is prepared and signed/certified by a qualified engineer.
- Consider requesting vertical depiction.
- Ask for clarifications or revisions

Tips for Reviewing an RF Compliance Report - Different Heights







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Wireless Facility Permitting Best Practices and Common Pitfalls

Eligible Facilities Requests

What's a EFR? What's an Existing Facility?

- EFR is request to modify an existing tower or base station that **does not substantially change** the physical dimensions of such tower or base station and involves collocation, removal or replacement of transmission equipment
  - A modification is "substantial" if it will exceed any criteria specified in the FCC's regulations.
- Examine each of the criteria in 47 C.F.R. 1.6100(b)(7)
  - 1. Increased height
  - 2. Increased width
  - 3. New equipment cabinets
  - 4. Excavation or deployment outside of current site
  - 5. Defeats concealment
  - 6. Non-compliance with siting approval conditions
- Practice Tip: Make sure your application form requests all documents needed for review, including prior approvals and site plans for he subject site.

Substantial Changes
Other Important Notes

- **Except for Concealment Elements, Rules May Effectively Preempt**
  - Local zone height limits, setbacks, parking requirements etc.
  - Restrictions on legal non-conforming uses that make all alterations to those facilities subject to local discretion
- **EFR Height Increases Are Cumulative - Height Limits Apply From Size of Facility As Initially Approved, Or As Increased Prior to February 22, 2012**
  - No cumulative limit on other criteria
- **General Health and Safety Laws Not Preempted**
  - Examples: building codes, fire codes, air quality regulations, public safety regulations
  - City may apply conditions of approval on an EFR, but must be related to generally applicable health and safety requirements

EFR Processing Pitfalls

- Don’t fall in trap of applicants asking if application qualifies as an EFR BEFORE complete application submittal 2014 Order is clear: Applicant requests, you decide.
  - Be wary of questions like, can I apply for EFR based on this scope of work?
  - Be clear that the applicant has not yet applied
  - Proper evaluation requires an examination of all of the factors in 47 C.F.R. § 1.6100(b)(7)
- Know what’s required of a complete application vs. what can be examined later in a different permit application. Be wary of:
  - Applicant claiming its lease granting an easement for access and utilities to place fiber within existing conduit satisfies EFR requirements
  - Plans that don’t show any utilities
    - These approaches mischaracterize EFR requirements and do not allow proper evaluation
    - To qualify as EFR, applicant must show there is no excavation or deployment outside the existing site/easements

EFR Processing Pitfalls

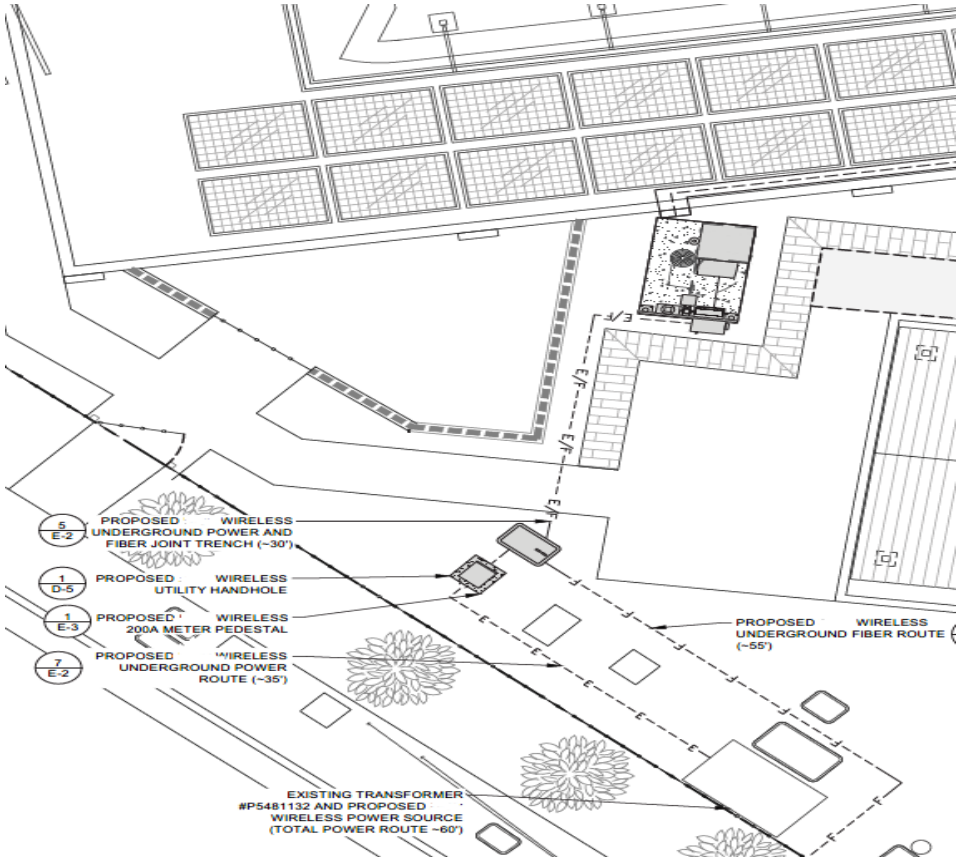
- If application does not qualify as an EFR:
  - Make sure the denial is in writing, based on substantial evidence
  - Note any appeal rights
  - Identify the new applicable FCC shot clock
  - Include an NOI for any missing items in the “new” application to stop the clock

Defeating Concealment?

- Defeats Concealment: Change is substantial if it would "defeat the concealment elements of the eligible support structure."
  - Structure itself doesn't have to be stealth **this can apply to elements that "hide" OR "disguise" the installation.**
  - Often a judgment call – dependent on whether the change would cause the concealment to no longer be effective after the modification.
  - Consider concealment elements beyond the structure itself (e.g., trees of similar height camouflaging a monopine)

Rooftop Facilities and Excavations Outside of the Current "Site"

- Substantial Excavation - entails any excavation or deployment outside of the current site.
  - The current site is restricted "to that area in proximity to the structure and to other transmission equipment already deployed on the ground."



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Wireless Ordinance Updates

Do I Need An Update? Red Flags

- Last update was before 2009 or 2012 or 2018?
- No provisions addressing Eligible Facilities Requests
- Absence of regulations for Small Wireless Facilities in ROW
- Conditional Use Permits for all wireless facilities and modifications
- Multiple levels of review and appeals
- Long notice periods for public hearings and appeals
- Outdated definitions or findings
- Practice Tip: Don’t wait until you get a deemed granted letter or law suit.

Ordinance Updates
Streamlining Permit Processes

- Goal: Avoid Shot Clock Violations and Deemed Approved Remedies
- Issues to Consider:
  - Administrative Processes vs. Discretionary Review by Commissions/Councils
  - Appeals and Reviews by Other City Boards and Commissions
  - Noticing requirements
  - Denial procedures
  - Denials Without Prejudice (Unresponsive to NOIs and EFRs)
  - Avoid Shot Clock Gamesmanship - Consider establishing specific application submission procedures (over the counter or through a electronic portal) that control submissions

Upcoming Federal and FCC Actions

Hill Threats

- AI/Data Centers
- Preemption for TeleComm
- Universal Service

Key telecommunications commerce committee priorities

- Spectrum battle in the Senate (Wireless industry vs DoD)
- Broadband Equity Adoption and Deployment (BEAD) Program oversight
  - $42 Billion for deployment across 50 states, mostly rural
- Speeding deployment via local preemption
- Universal Service Fund (USF) reform – important for E-Rate, rural companies, low-income programs

AI – As a Stand In for Data Centers

- 10-year moratorium on state and local governments enforcing any laws or regulations targeting AI models, AI systems, or automated decision systems.

PART 2--ARTIFICIAL INTELLIGENCE AND INFORMATION TECHNOLOGY MODERNIZATION

SEC. 43201. ARTIFICIAL INTELLIGENCE AND INFORMATION TECHNOLOGY MODERNIZATION INITIATIVE.

(c) Moratorium.--

(1) In general.--Except as provided in paragraph (2), no State or political subdivision thereof may enforce, during the 10-year period beginning on the date of the enactment of this Act, any law or regulation of that State or a political subdivision thereof limiting, restricting, or otherwise regulating artificial intelligence models, artificial intelligence systems, or automated decision systems entered into interstate commerce.

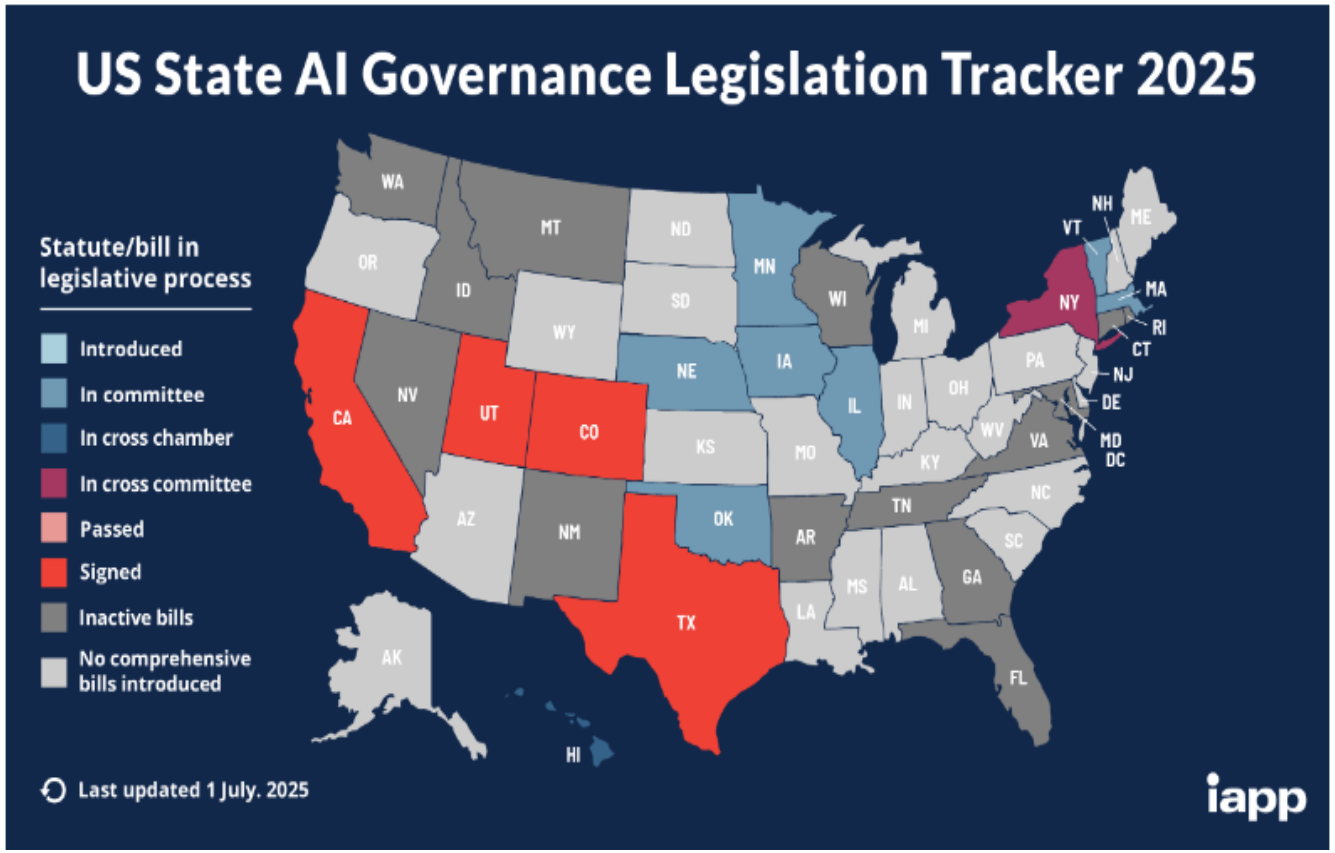
UNITED STATES SENATE

THREE VERSIONS OF H.R.1 IN THE SENATE

- Senate Commerce Committee changed the moratorium into a condition of BEAD eligibility, but limited the loss to the $25m being appropriated for AI components of BEAD projects and required use of Commerce negotiated AI Master License Agreements.
  - This was done as much in response to criticisms being heard on a bi-partisan basis as it was to comply with the Senate Parliamentarian's threat to remove the language from the bill.
- The AI section of Leader Thune's (R-SD) draft of the Reconciliation bill further amended the language to limit the moratorium to 5 years and preserved certain traditional rights of state government to protect consumers and address fraud.

363 (99-1)	Agreed to	On the Amendment S.Amdt. 2814: Blackburn Amdt. No. 2814; To strike the section relating to support for artificial intelligence.	H.R. 1	Jul 01

- At 2:45 am of the morning of July 1, the morning that the Senate would adopt the final version of Reconciliation, on a bipartisan and almost unanimous basis (99-1) the AI section was removed.
- It was this final Senate version, which was silent as to AI preemption, that was accepted verbatim in the House and signed by the President.



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NATIONAL CONFERENCE OF STATE LEGISLATURES

Call to Action: House Reconciliation Bill Concerns on AI

- Violates the Byrd Rule.
- Violates the 10th Amendment.
- Preempting an area in which there are no federal protections and states (and some counties) have acted in bipartisan manner to address consumer needs. (See Map)
- Limits state and local government regulation of the placement of data centers, as well as other infrastructure that operates using AI, raising costs for ratepayers and infringing on zoning.

Great arguments to be recycled if we see a return of the legislation.

Post Reconciliation Federal Effort

- On July 23, White House released "Winning the AI Race: America's AI Action Plan", in accordance with President Trump's January 23, 2025 Executive Order on Removing Barriers to American Leadership in AI.
- The Plan identifies over 90 Federal policy actions across three pillars:
  - Accelerating Innovation,
  - Building American AI Infrastructure, and
  - Leading in International Diplomacy and Security.

New E.O. – Apply to funding across Federal Agencies

On August 7, 2025, President Trump signed Executive Order 14332, titled "Improving Oversight of Federal Grantmaking". This order introduces sweeping changes to the federal discretionary grantmaking process, including:

- Each agency must designate a senior political appointee to develop and oversee a review process for new funding opportunities and existing awards to ensure alignment with agency priorities.
- Directs the White House Office of Management and Budget to revise the Uniform Guidance to streamline application requirements and require all discretionary grants to permit termination for convenience, including when the award no longer advances agency priorities or the national interest

Congressional Efforts

- On September 16, 2025 – Sen. Commerce Committee Chair Ted Cruz (R-TX) stated the “moratorium” is not dead.
- He introduced SANDBOX Act (S. 2750) that would establish a federal AI regulatory sandbox program that would waive or modify federal agency regulations and guidance for AI developers and deployers.
  - Provides AI companies the right to apply for 2-year federal regulatory exemptions
  - S. 2750 does not address state moratorium.

Congressional Efforts (cont.)

- Large tech companies have repeatedly called on Congress to impose a national regulatory framework for AI to give the industry consistency and certainty, and to override state laws they say are inefficient and threaten innovation.
- Several Hill Republicans have indicated their support for legislation that would preempt state regulation of AI.

- H.R.278, the “BROADBAND Leadership Act” (Rep. Griffith)
- H.R.339, the “Broadband Resiliency and Flexible Investment Act” (Rep. Crenshaw)
- H.R.1343, the “Federal Broadband Deployment Tracking Act” (Reps. Pfluger and Soto)
- H.R.1541, the “Wireless Broadband Competition and Efficient Deployment Act” (Rep. Rulli)
- H.R.1588, the “Facilitating DIGITAL Applications Act” (Reps. Miller-Meeks and Dingell)
- H.R.1617, the “Wireless Resiliency and Flexible Investment Act of 2025” (Rep. Langworthy)
- H.R.1655, the “Wildfire Communications Resiliency Act” (Rep. Bentz)
- H.R.1665, the “DIGITAL Applications Act” (Reps. Cammack and Matsui)
- H.R. 1681, the “Expediting Federal Broadband Deployment Act” (Rep. Evans and Craig)
- H.R.1731, the “Standard FEES Act” (Reps. Palmer and Ryan)
- H.R.1836, the “GRANTED Act of 2025” (Rep. Obernolte)
- H.R.1975, the “BEAD FEE Act of 2025” (Rep. Allen)
- H.R.2289, the “Proportional Reviews for Broadband Deployment Act” (Rep. Carter)
- H.R.2298, the “Reducing Barriers for Broadband on Federal Lands Act of 2025” (Rep. Fulcher)
- H.R.2817, the “Coastal Broadband Deployment Act” (Rep. Bilirakis)
- H.R.2975, the Broadband Incentives for Communities Act (Rep. Fletcher)
- H.R.3960, the “Connecting Communities Post Disasters Act of 2025” (Rep. Dunn)
- H.R.4211, the “Brownfields Broadband Deployment Act” (Rep. Walberg)
- H.R.4927, the “CABLE Competition Act” (Rep. Houchin)
- H.R.5147, the “Winning the International Race for Economic Leadership and Expanding Service to Support Leadership Act” or the “WIRELESS Leadership Act” (Rep. Latta)
- H.R.5170, the “Cable Access for Broadband and Local Economic Leadership Act” or the “CABLE Leadership Act” (Rep. Balderson)
- H.R.5264, the “Streamlining Permitting to Enable Efficient Deployment for Broadband Infrastructure or the “SPEED for Broadband Infrastructure Act” (Rep. Goldman)
- H.R.5266, the “5G Using Previously Granted Rulings that Accelerate Deployment Everywhere Act” or the “5G UPGRADE Act” (Rep. Harshbarger)
- H.R.5273, the “Broadband Competition and Efficient Deployment Act” (Rep. Joyce)
- H.R.5290, the “Cable Transparency Act” (Rep. Weber)
- H.R.5311, the “Connecting and Building Lines for Expedited Expansion Act” or the “CABLE Expansion Act” (Rep. Fedorchak)
- H.R.5318, the “Reducing Antiquated Permitting for Infrastructure Deployment Act” (Rep. Hudson)
- H.R. ____, the “TRUSTED Broadband Networks Act" (Rep. Fry)
- H.R. ___, the “Broadband and Telecommunications RAIL Act” (Rep. Joyce)

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- Members (Quorum)
- Issues

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(D?)
COMMISSIONER
(Formerly Geoffery Starks)

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(R)
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(R)
COMMISSIONER

Chairman Carr's "Massive Deregulation Initiative"

- *Delete, Delete, Delete* docket opened March 12 (GN Docket No. 25-133)
  - The agency seeks comment on every rule, regulation, or guidance document that the FCC should eliminate for the purposes of alleviating unnecessary regulatory burdens.
  - Questions still open regarding procedural validity of docket to make rule changes.
- Build America Agenda (September 30th Meeting)
  - Wireline NOI
  - Wireless NPRM

FCC “Build America” Dockets

- Two items on FCC’s Sept. 30 meeting agenda:
  - *Wireline Barriers NOI* – Invites comment on state & local laws and reqts that burden or prevent wireline telecom deployments, particularly access to ROW. Suggests shot clocks on permit applications and caps on ROW fees as solutions.
  - *Wireless Barriers NPRM* – Seeks to “build upon” the “successes” of the FCC’s 2018 *Small Cell Order* and 2020 *Section 6409 Orders*. Suggests narrowing or eliminating local govts’ ability to condition approvals on aesthetic considerations, and to move disputes away from the courts and to an FCC “rocket docket”.

Department of Commerce: BEAD & Digital Equity Act

- Legislation: BEAD Fee Act; Speed for BEAD Act
- National Telecommunications and Information Agency (NTIA) of the Commerce Department implements the program. Arielle Roth awaiting confirmation as NTIA head.
- Commerce Secretary Lutnick promised a BEAD review.
  - Three states are ready to go with BEAD – Louisiana, Delaware, Nevada
  - Others are in varying stages of approval. Some states, like West Virginia and Texas, are rethinking their plans; other states, like Minnesota, are pressing to maintain their current plans.
  - Disputes mostly over requirements like climate resiliency, labor standards, technology choices (fiber vs. satellite).

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Leveraging City Real Estate Assets – Cell Sites And Maximizing Value

How Much Can/Should I Charge

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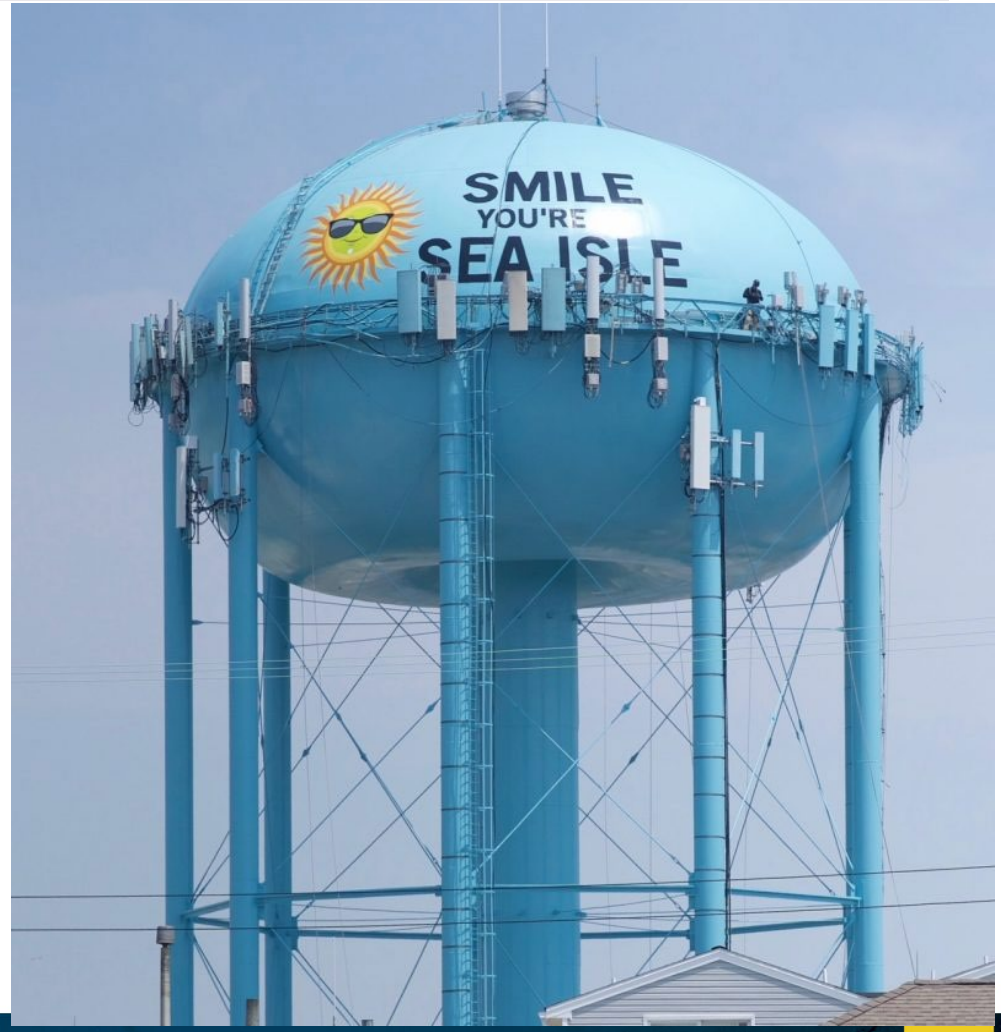
CONSIDERATIONS

- New or Renewal
- Are you bringing height to the table
- Don’t forget Ancillary Income



How Much Can/Should I Charge?

What can we learn from others' errors?

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BUSINESS TERMS

Financial Terms

Find market comps/don't rely on carriers' representations.

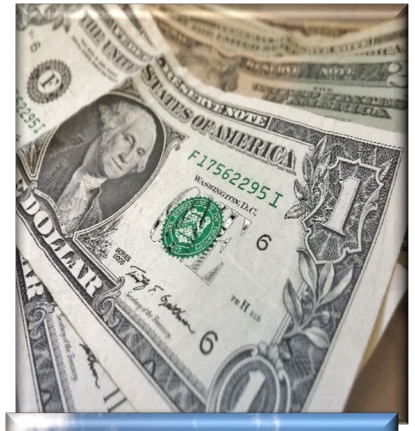
- ❑ Base Rent
- ❑ Escalation Rates
- ❑ Collection Revenue Sharing Metrics
- ❑ Holdover Rates
- ❑ Signing Bonus
- ❑ Right of First Refusal
- ❑ Right to Move/ Split Costs.

Protection Terms

Control the Drafting Process

Include Landlord Termination Rights

- ❑ Interference With Public Safety
- ❑ Interference With Operations
- ❑ Addressing Platform's Technical Integrity With Outs
- ❑ Failure to Pay/Or Consistently Late
- ❑ Engineering: Structural Security
- ❑ Move/Split Costs
- ❑ Compliance with code on appearance.



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CAPTURE VALUE OF HEIGHT

BUT NOT AT ALL COSTS

Lessor may upon one year's advance notice, terminate this License upon certification from a licensed structural engineer that the structure which constitutes the leased premises of this agreement does not have sufficient structural capacity to permit continued use and occupancy by Lessee and requires removal of Lessee's equipment in order to protect the public health, safety and welfare of users of the Property.

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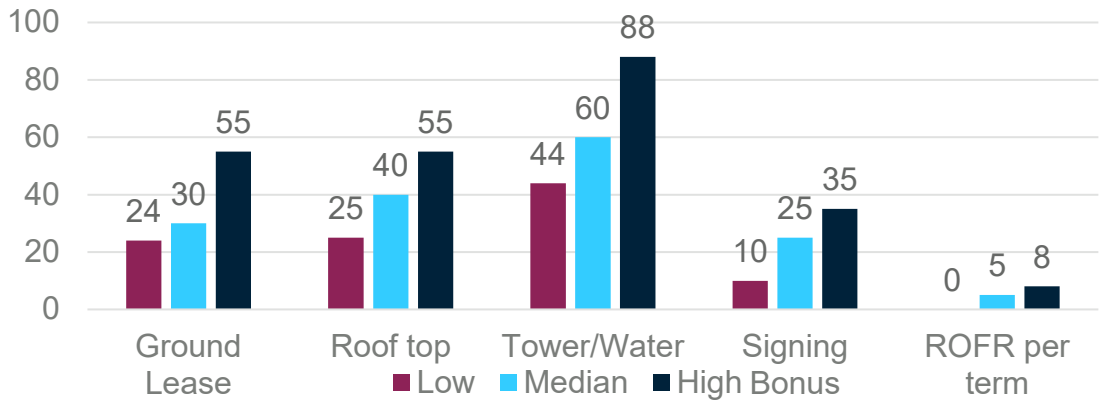
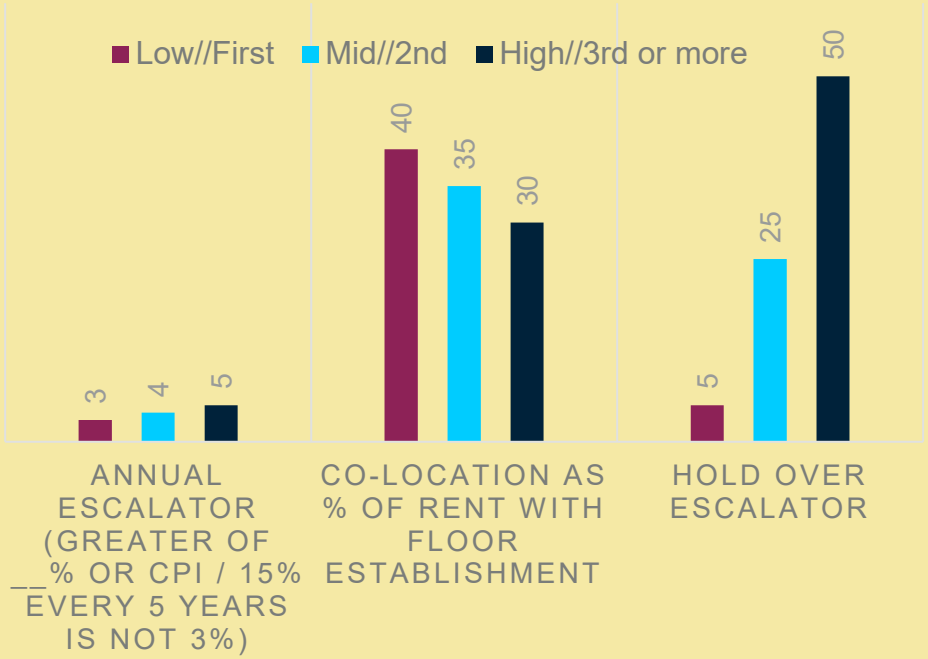
CAPTURING YOUR CONTRIBUTIONS TO TERM & HEIGHT

Annual Pricing in ($1,000)



ANCILLARY FINANCIAL ISSUES

Escalators / Co-Location Split / Hold Over



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Questions?

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Please join our current BBK Webinar Series - Fall Clean Up: Contracts for Wireless Facilities on Public Property

(Each session starts at 11:30 a.m. PST)

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Date	Topic
Wed., Sept 10	Series Intro & Cell Sites on Public Property-Permitted Use
Wed., Sept 24	Cell Sites on Public Property-Compensation
Wed., Oct 8	Cell Sites on Public Property-Interference and Relocations
Wed., Oct 22	Cell Sites on Public Property-Managers, Subleases and Transfers
Wed., Nov 5	Special Issues in Contracts to Use Public ROW Structures
Wed., Nov 19	Other Common Cell Site Issues & Series End

Sign-up for upcoming sessions or view prior sessions

BBK Telecom Updates