



City of Encinitas

Office of
The Mayor

July 15, 2015

The Honorable Bill Quirk
California State Assembly
State Capitol, Room 2163
Sacramento, CA 95814 FAX: (916) 319-2120

Kristin Gaspar
Mayor

**RE: AB 57 (Quirk) Telecommunications: Wireless telecommunications facilities
NOTICE OF OPPOSITION**

Dear Assembly Member Quirk:

Catherine S. Blakespear
Deputy Mayor

The City of Encinitas opposes AB 57 (Quirk), which would unnecessarily impact our city's authority to regulate the placement of certain wireless telecommunications facilities. AB 57 goes beyond the requirements of federal law and regulations by deeming approved any application for collocation or siting of new wireless facilities if our city does not approve or disapprove the application within the timelines required by the Federal Communications Commission.

Tony Kranz
Council Member

In 2009, the Federal Communications Commission (FCC) adopted rules that require local governments to review and act on applications for the establishment of wireless communications structures. Under that ruling, cities have 90 days to review collocation applications, and 150 days for other siting applications. If cities do not act in this timeframe, an applicant can bring action in court. During the rulemaking, wireless carriers requested that the FCC adopt the deemed approved requirements but the FCC rightly refused. The issue was raised again in 2014 when the FCC reviewed requirements under a new federal rule, known as the 6409 rule, regarding what is considered a "substantial modification". Again, the FCC refused to issue a deemed approved rule. We see no reason the California legislature should add a "deemed approved" clause considering the federal regulating authority thinks it not necessary. This is an attempt to wrest land use control from local jurisdictions.

Mark Muir
Council Member

For the above reasons, the City of Encinitas is opposed to AB 57 (Quirk) Telecommunications.

Lisa Shaffer
Council Member

Sincerely,

Kristin Gaspar
Mayor

Glenn Pruim
Acting City Manager

cc: Senator Patricia Bates, Fax: (916) 651-4936
Assembly Member Rocky Chavez, Fax: (916) 319-2176
JGC Consulting
Jennifer Whiting, League of California Cities
City Council
Planning & Building Department