



September 20, 2019

Via Email and Hand-Delivery

Office of the City Clerk
administration@losaltosca.gov
jmaginot@losaltosca.gov
City of Los Altos
Los Altos City Hall
1 North San Antonio Road
Los Altos, CA 94022

Re. Appeal of Denial Decision
Application No. SE19-00009
AT&T Site ID LOSA0_01
Public Right-of-Way near 141 Almond Avenue

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00009, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 141 Almond Avenue, which is a collector street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage."

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along Almond Avenue and nearby streets. AT&T conducted a good faith search and comparison of alternative locations and identified the proposed facility as the best available and least intrusive means to address AT&T's service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City's regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.¹ Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.² Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).³

Here, the new City's siting regulations were not "published in advance" at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City's new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T's due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T's ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City's residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are utility poles along Almond Avenue, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles. Thus, this restriction is more burdensome than those imposed on other infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the

¹ See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) ("*Infrastructure Order*").

² See *id.* at ¶ 86.

³ See *id.*; 47 U.S.C. § 332(c)(7)(B)(i)(II).

City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

Sincerely,

Ivan Toews, Ericsson on behalf of AT&T
Site Acquisition Manager, CRAN Small Cell

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1 North San Antonio Road
Los Altos, CA 94022

Re. Appeal of Denial Decision
Application No. SE19-00003
AT&T Site ID LOSA0_02
Public Right-of-Way near 687 Linden Avenue

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00003, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 687 Linden Avenue, which is a local street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage."

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along Linden Avenue and nearby streets. Because the proposed location is along a local street, AT&T submitted a Radio Frequency Statement by Phil Dale, an AT&T-employed radio frequency design engineer.¹ The Radio Frequency Statement explains AT&T's need for this small wireless facility in this location and demonstrates how the proposed facility will help satisfy AT&T's service needs. In addition, AT&T conducted a good faith search and comparison of alternative locations and identified the proposed facility as the best available and least intrusive means to address AT&T's service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City's regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.² Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.³ Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).⁴

Here, the new City's siting regulations were not "published in advance" at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City's new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T's due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T's ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City's residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are wood utility poles along Linden Avenue, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles. Thus, this restriction is more burdensome than those imposed on other infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

¹ Although Mr. Dale is not licensed in California, he is exempt from the licensure requirement under the Permit Requirements. Sections 6746 and 6747 of the California Professional Engineers Act exempts such requirements for communications companies and employees of the communications industry.

² See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) ("*Infrastructure Order*").

³ See *id.* at ¶ 86.

⁴ See *id.*; 47 U.S.C. § 332(c)(7)(B)(i)(II).

Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

Sincerely,

Ivan Toews, Ericsson on behalf of AT&T
Site Acquisition Manager, CRAN Small Cell

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Los Altos, CA 94022

Re. Appeal of Denial Decision
Application No. SE19-00017
AT&T Site ID LOSA0_03
Public Right-of-Way near 421 Valencia Drive

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00017, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 421 Valencia Drive, which is a local street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage."

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along Valencia Drive and nearby streets. Because the proposed location is along a local street, AT&T submitted a Radio Frequency Statement by Phil Dale, an AT&T-employed radio frequency design engineer.¹ The Radio Frequency Statement explains AT&T's need for this small wireless facility in this location and demonstrates how the proposed facility will help satisfy AT&T's service needs. In addition, AT&T conducted a good faith search and comparison of alternative locations and identified the proposed facility as the best available and least intrusive means to address AT&T's service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City's regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.² Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.³ Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).⁴

Here, the new City's siting regulations were not "published in advance" at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City's new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T's due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T's ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City's residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are wood utility poles along Valencia Drive and nearby streets, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles. Thus, this restriction is more burdensome than those imposed on other

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² See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) ("*Infrastructure Order*").

³ See *id.* at ¶ 86.

⁴ See *id.*; 47 U.S.C. § 332(c)(7)(B)(i)(II).

infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

Sincerely,

Ivan Toews, Ericsson on behalf of AT&T
Site Acquisition Manager, CRAN Small Cell

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1 North San Antonio Road
Los Altos, CA 94022

Re. Appeal of Denial Decision
Application No. SE19-00004
AT&T Site ID LOSA0_04
Public Right-of-Way near 33 Pine Lane

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00004, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 33 Pine Lane, which is a local street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage."

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along Pine Lane and nearby streets. Because the proposed location is along a local street, AT&T submitted a Radio Frequency Statement by Phil Dale, an AT&T-employed radio frequency design engineer.¹ The Radio Frequency Statement explains AT&T's need for this small wireless facility in this location and demonstrates how the proposed facility will help satisfy AT&T's service needs. In addition, AT&T submitted an Alternatives Review with this application, which demonstrates that the proposed small wireless facility is the best available and least intrusive means to address AT&T's service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City's regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.² Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.³ Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).⁴

Here, the new City's siting regulations were not "published in advance" at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City's new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T's due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T's ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City's residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are wood utility poles along Pine Street, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles. Thus, this restriction is more burdensome than those imposed on other infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

¹ Although Mr. Dale is not licensed in California, he is exempt from the licensure requirement under the Permit Requirements. Sections 6746 and 6747 of the California Professional Engineers Act exempts such requirements for communications companies and employees of the communications industry.

² See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) ("*Infrastructure Order*").

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Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

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Ivan Toews, Ericsson on behalf of AT&T
Site Acquisition Manager, CRAN Small Cell

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Re. Appeal of Denial Decision
Application No. SE19-00010
AT&T Site ID LOSA0_05
Public Right-of-Way near 49 San Juan Court

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00010, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 49 San Juan Court, which is a local street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage."

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along San Juan Court and nearby streets. Because the proposed location is along a local street, AT&T submitted a Radio Frequency Statement by Phil Dale, an AT&T-employed radio frequency design engineer.¹ The Radio Frequency Statement explains AT&T's need for this small wireless facility in this location and demonstrates how the proposed facility will help satisfy AT&T's service needs. In addition, AT&T submitted an Alternatives Review with this application, which demonstrates that the proposed small wireless facility is the best available and least intrusive means to address AT&T's service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City's regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.² Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.³ Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).⁴

Here, the new City's siting regulations were not "published in advance" at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City's new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T's due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T's ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City's residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are wood utility poles along San Juan Court, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles. Thus, this restriction is more burdensome than those imposed on other infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

¹ Although Mr. Dale is not licensed in California, he is exempt from the licensure requirement under the Permit Requirements. Sections 6746 and 6747 of the California Professional Engineers Act exempts such requirements for communications companies and employees of the communications industry.

² See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) ("*Infrastructure Order*").

³ See *id.* at ¶ 86.

⁴ See *id.*; 47 U.S.C. § 332(c)(7)(B)(i)(II).

Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

Sincerely,

Ivan Toews, Ericsson on behalf of AT&T
Site Acquisition Manager, CRAN Small Cell

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September 20, 2019

Via Email and Hand-Delivery

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Los Altos, CA 94022

Re. Appeal of Denial Decision
Application No. SE19-00011
AT&T Site ID LOSA0_06
Public Right-of-Way near 791 Los Altos Avenue

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00011, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 791 Los Altos Avenue, which is a local collector street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage."

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along Los Altos Avenue and nearby streets. Because the proposed location is along a local collector street, AT&T submitted a Radio Frequency Statement by Phil Dale, an AT&T-employed radio frequency design engineer.¹ The Radio Frequency Statement explains AT&T's need for this small wireless facility in this location and demonstrates how the proposed facility will help satisfy AT&T's service needs. In addition, AT&T submitted an Alternatives Review with this application, which demonstrates that the proposed small wireless facility is the best available and least intrusive means to address AT&T's service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City's regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.² Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.³ Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).⁴

Here, the new City's siting regulations were not "published in advance" at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City's new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T's due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T's ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City's residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are wood utility poles along Los Altos Avenue, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles.

¹ Although Mr. Dale is not licensed in California, he is exempt from the licensure requirement under the Permit Requirements. Sections 6746 and 6747 of the California Professional Engineers Act exempts such requirements for communications companies and employees of the communications industry.

² See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) ("*Infrastructure Order*").

³ See *id.* at ¶ 86.

⁴ See *id.*; 47 U.S.C. § 332(c)(7)(B)(i)(II).

Thus, this restriction is more burdensome than those imposed on other infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

Sincerely,

Ivan Toews, Ericsson on behalf of AT&T
Site Acquisition Manager, CRAN Small Cell

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September 20, 2019

Via Email and Hand-Delivery

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Los Altos City Hall
1 North San Antonio Road
Los Altos, CA 94022

Re. Appeal of Denial Decision
Application No. SE19-00005
AT&T Site ID LOSA0_07
Public Right-of-Way near 98 Eleanor Avenue

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00005, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 98 Eleanor Avenue, which is a local street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage."

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along Eleanor Avenue and nearby streets. Because the proposed location is along a local street, AT&T submitted a Radio Frequency Statement by Phil Dale, an AT&T-employed radio frequency design engineer.¹ The Radio Frequency Statement explains AT&T's need for this small wireless facility in this location and demonstrates how the proposed facility will help satisfy AT&T's service needs. In addition, AT&T submitted an Alternatives Review with this application, which demonstrates that the proposed small wireless facility is the best available and least intrusive means to address AT&T's service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City's regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.² Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.³ Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).⁴

Here, the new City's siting regulations were not "published in advance" at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City's new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T's due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T's ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City's residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are wood utility poles along Eleanor Avenue, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles. Thus, this restriction is more burdensome than those imposed on other infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

¹ Although Mr. Dale is not licensed in California, he is exempt from the licensure requirement under the Permit Requirements. Sections 6746 and 6747 of the California Professional Engineers Act exempts such requirements for communications companies and employees of the communications industry.

² See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) ("*Infrastructure Order*").

³ See *id.* at ¶ 86.

⁴ See *id.*; 47 U.S.C. § 332(c)(7)(B)(i)(II).

Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

Sincerely,

Ivan Toews, Ericsson on behalf of AT&T
Site Acquisition Manager, CRAN Small Cell

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September 20, 2019

Via Email and Hand-Delivery

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jmaginot@losaltosca.gov
City of Los Altos
Los Altos City Hall
1 North San Antonio Road
Los Altos, CA 94022

Re. Appeal of Denial Decision
Application No. SE19-00006
AT&T Site ID LOSAO_08
Public Right-of-Way near 182 Garland Way

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00006, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 182 Garland Way, which is a local street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage."

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along Garland Way and nearby streets. Because the proposed location is along a local street, AT&T submitted a Radio Frequency Statement by Phil Dale, an AT&T-employed radio frequency design engineer.¹ The Radio Frequency Statement explains AT&T's need for this small wireless facility in this location and demonstrates how the proposed facility will help satisfy AT&T's service needs. In addition, AT&T submitted an Alternatives Review with this application, which demonstrates that the proposed small wireless facility is the best available and least intrusive means to address AT&T's service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City's regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.² Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.³ Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).⁴

Here, the new City's siting regulations were not "published in advance" at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City's new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T's due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T's ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City's residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are wood utility poles along Garland Way, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles. Thus, this restriction is more burdensome than those imposed on other infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

¹ Although Mr. Dale is not licensed in California, he is exempt from the licensure requirement under the Permit Requirements. Sections 6746 and 6747 of the California Professional Engineers Act exempts such requirements for communications companies and employees of the communications industry.

² See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) ("*Infrastructure Order*").

³ See *id.* at ¶ 86.

⁴ See *id.*; 47 U.S.C. § 332(c)(7)(B)(i)(II).

Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

Sincerely,

Ivan Toews, Ericsson on behalf of AT&T
Site Acquisition Manager, CRAN Small Cell

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September 20, 2019

Via Email and Hand-Delivery

Office of the City Clerk
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jmaginot@losaltosca.gov
City of Los Altos
Los Altos City Hall
1 North San Antonio Road
Los Altos, CA 94022

Re. Appeal of Denial Decision
Application No. SE19-00012
AT&T Site ID LOSAO_09
Public Right-of-Way near 491 Patrick Way

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00012, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 491 Patrick Way, which is a local street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage."

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along Patrick Way and nearby streets. AT&T conducted a good faith search and comparison of alternative locations and identified the proposed facility as the best available and least intrusive means to address AT&T's service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City's regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.¹ Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.² Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).³

Here, the new City's siting regulations were not "published in advance" at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City's new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T's due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T's ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City's residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are wood utility poles along Patrick Way, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles. Thus, this restriction is more burdensome than those imposed on other infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the

¹ See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) ("*Infrastructure Order*").

² See *id.* at ¶ 86.

³ See *id.*; 47 U.S.C. § 332(c)(7)(B)(i)(II).

City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

Sincerely,

Ivan Toews, Ericsson on behalf of AT&T
Site Acquisition Manager, CRAN Small Cell

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September 20, 2019

Via Email and Hand-Delivery

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City of Los Altos
Los Altos City Hall
1 North San Antonio Road
Los Altos, CA 94022

Re. Appeal of Denial Decision
Application No. SE19-00013
AT&T Site ID LOSAO_10
Public Right-of-Way near 300 Los Altos Avenue

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00013, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 300 Los Altos Avenue, which is a local collector street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage."

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along Los Altos Avenue and nearby streets. AT&T conducted a good faith search and comparison of alternative locations and identified the proposed facility as the best available and least intrusive means to address AT&T's service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City's regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.¹ Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.² Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).³

Here, the new City's siting regulations were not "published in advance" at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City's new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T's due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T's ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City's residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are wood utility poles along Los Altos Avenue, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles. Thus, this restriction is more burdensome than those imposed on other infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the

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City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

Sincerely,

Ivan Toews, Ericsson on behalf of AT&T
Site Acquisition Manager, CRAN Small Cell

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September 20, 2019

Via Email and Hand-Delivery

Office of the City Clerk
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jmaginot@losaltosca.gov
City of Los Altos
Los Altos City Hall
1 North San Antonio Road
Los Altos, CA 94022

Re. Appeal of Denial Decision
Application No. SE19-00007
AT&T Site ID LOSA0_11
Public Right-of-Way near 130 Los Altos Avenue

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00007, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 130 Los Altos Avenue, which is a local collector street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage."

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along Los Altos Avenue and nearby streets. AT&T conducted a good faith search and comparison of alternative locations and identified the proposed facility as the best available and least intrusive means to address AT&T's service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City's regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.¹ Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.² Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).³

Here, the new City's siting regulations were not "published in advance" at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City's new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T's due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T's ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City's residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are wood utility along Los Altos Avenue, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles. Thus, this restriction is more burdensome than those imposed on other infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the

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City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

Sincerely,

Ivan Toews, Ericsson on behalf of AT&T
Site Acquisition Manager, CRAN Small Cell

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September 20, 2019

Via Email and Hand-Delivery

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jmaginot@losaltosca.gov
City of Los Altos
Los Altos City Hall
1 North San Antonio Road
Los Altos, CA 94022

Re. Appeal of Denial Decision
Application No. SE19-00008
AT&T Site ID LOSAO_12
Public Right-of-Way near 356 Blue Oak Lane

To the Clerk:

New Cingular Wireless PCS, LLC dba AT&T Mobility(AT&T), hereby appeals the Denial Decision of the City Manager issued on September 17, 2019, denying AT&T's Application No. SE19-00008, which seeks to place a small wireless facility on an existing wood utility pole located in the public right-of-way near 356 Blue Oak Lane, which is a local street. AT&T has an urgent need to deploy this and other small wireless facilities in the City of Los Altos, and particularly to provide and improve wireless services in residential areas of the City. The proposed small wireless facility is consistent with the City's wireless regulations in place at the time this application was submitted. And approval of this proposed facility is necessary pursuant to applicable federal law. AT&T respectfully requests the City Council reverse the denial and approve AT&T's application.

This proposed small wireless facility will help improve AT&T's wireless services by offloading network traffic carried by existing macro facilities in the area. In addition, faster data rates allow customers to get on and off the network quickly, which produces more efficient use of AT&T's limited spectrum. By placing the small cell facility in areas where AT&T's existing wireless telecommunications facilities are constrained and where AT&T experiences especially high network traffic, AT&T can address the existing and forecasted demand.

The proposed small wireless facility complies with the City's wireless regulations in effect at the time the application was filed. Specifically, AT&T's application complies with the City's *Distributed Antenna Systems for Wireless Communications Encroachment Permit Requirements* ("Permit Requirements"). Item A under the Permit Requirements states, "Antenna systems are encouraged along the city's arterial and collector streets. These facilities are allowed on local streets upon verification by a

qualified electrical engineer licensed by the state of California representing the FCC licensee that using local streets is necessary to obtain capacity and coverage.”

The proposed small wireless facility is small and typical of infrastructure deployments in residential rights-of-way in the City, including the right-of-way along Blue Oak Lane and nearby streets. AT&T conducted a good faith search and comparison of alternative locations and identified the proposed facility as the best available and least intrusive means to address AT&T’s service needs in this portion of the City.

Applicable Siting Regulations

Again, the pending application was duly filed before the City enacted new regulations governing small wireless facilities. It must be evaluated in the context of the City’s regulations in effect at the time the applications were filed (i.e., the Permit Requirements). Last year, the Federal Communications Commission issued its *Infrastructure Order*, which established rules and standards for siting authorities to follow with respect to applications for approvals to construct small wireless facilities.¹ Under the *Infrastructure Order*, the FCC established a standard for local aesthetic regulations that they must be (1) reasonable, (2) no more burdensome than those applied to other infrastructure deployments, and (3) objective and published in advance.² Regulations that do not meet these criteria are preempted as they are presumed to effectively prohibit wireless service in violation of the Telecommunications Act of 1996 (Act).³

Here, the new City’s siting regulations were not “published in advance” at the time AT&T submitted this application. Thus, design criteria and other aesthetic regulations under the new regulations cannot be applied to this application. For example, the City’s new regulations ban small wireless facilities on residential streets. That rule does not apply. In addition, applying post-application regulations violates AT&T’s due process rights.

Further, the city cannot lawfully deny this application even if the new regulations applied. The general ban on small wireless facilities in residential districts is unlawful and preempted by federal law. Specifically, this amounts to a prohibition on personal wireless services in large portions of the City, which violates the Act. As applied to this application, denial on the basis that this location is in a residential area materially inhibits AT&T’s ability to provide and improve wireless services in this area, in violation of the Act.

Further, the City’s residential-area ban is a more burdensome restriction than imposed on other infrastructure deployments. The streets in this residential area have existing wooden utility poles with utility equipment. For example, there are wood utility poles along Blue Oak Lane, including existing utility poles with existing utility deployments at the proposed location and the next closest utility poles. Thus, this restriction is more burdensome than those imposed on other infrastructure deployments, which is an unlawful prohibition and denial on that basis is preempted by federal law.

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³ See *id.*; 47 U.S.C. § 332(c)(7)(B)(i)(II).

Further, AT&T's application materials contain sufficient information for City Council to make all necessary approval findings. This is true even if the City (unlawfully) applies its new wireless siting regulations. To wit: the proposed facility is designed to be compatible with the community, AT&T is willing to allow collocations (although they will likely be infeasible), AT&T's facility will comply with the City's noise standards, AT&T has a state law franchise right to access the public rights-of-way, and the proposed facility will not interfere with the public right-of-way.

Again, AT&T has a statewide franchise right to access and construct telecommunications facilities in the public rights-of-way. Under Public Utilities Code Section 7901, AT&T has the right to access and construct facilities in public rights-of-way in order to furnish wireless services, so long as it does not "incommode" the public use of the public right-of-way. And under Section 7901.1, AT&T's right is subject only to the City's reasonable and equivalent time, place, and manner regulations. AT&T's proposed small wireless facility does not incommode the right-of-way and the ban on residential deployments is not an equivalent regulation.

Finally, it is unreasonable and unlawful to require AT&T to provide evidence of a potential effective prohibition or other violation of law at the time an application is filed. For example, here it could not have been known until September 17th the various ways in which the City would violate state and federal laws.

AT&T reserves the right to supplement this appeal statement.

Conclusion

AT&T is working diligently to improve its wireless services in the City of Los Altos, and it is doing so pursuant to applicable law and within the City's applicable process and standards. This application and this small wireless facility are urgently needed to provide and improve personal wireless service in this portion of the City. AT&T has worked carefully to develop responsible proposed facilities, including this small wireless facility. The proposed facility is the best available and least intrusive means by which AT&T can address its service needs in this location. AT&T urges City Council to reverse the denial decision and approve its application.

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