



**Contra
Costa
County**

To: Board of Supervisors
 From: John Kopchik, Director, Conservation & Development Department
 Date: December 18, 2018
 Subject: Tolling Agreement with Verizon Wireless

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development Director or designee to execute, on behalf of the County, a tolling agreement with GTE MobileNet of California Limited Partnership (dba Verizon Wireless) to extend the time to act on wireless access permit applications for facilities proposed to be located in the County public right-of-way near 401 Horsetrail Court and 1524 Alamo Way in the Alamo area, and 1955 Meadow Road in the Walnut Creek Area.

FISCAL IMPACT:

The applicant is responsible for all related costs.

BACKGROUND:

GTE MobilNet of California Limited Partnership (dba Verizon Wireless) has filed applications for wireless access permits to construct wireless telecommunication facilities within the County public right-of-way as follows: near 401 Horsetrail Court, in the Alamo area (WA18-0002), near 1955 Meadow Road in the Walnut Creek area (WA18-0003) and near 1524 Alamo Way, in the Alamo area (WA18-0004). All wireless access permit applications were filed on April 17, 2018.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/18/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, District III Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 18, 2018

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie Mello, Deputy

Contact: Telma Moreira (925)
674-7783

cc:

BACKGROUND: (CONT'D)

Under a ruling of the Federal Communications Commission ("FCC"), a wireless service provider whose application has been pending for a period of 90 days for collocation applications, and 150 days for all other applications, is authorized to seek judicial review within 30 days on the basis that a state or local permitting authority did not act on the application within "a reasonable time". (In Re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc., FCC 09-99 (FCC November 18, 2009) (the "Ruling"), 45.) The Ruling also permits the period for a local jurisdiction's review of an application to be extended by mutual consent. (Ruling, 49.)

The proposed tolling agreements would extend through December 14, 2018, the time for the County Planning Commission to act on all of the applications, and would extend through February 28, 2019, the time for the Board of Supervisors to act on all of the applications. The proposed tolling agreements would also prohibit Verizon Wireless from seeking a court order before February 28, 2019, that would direct the County to act on the applications. In addition, the proposed tolling agreements would toll the time for Verizon Wireless to seek a court order alleging a violation of the Permit Streamlining Act to after February 28, 2019.

This Board Order also authorizes the Director of Conservation and Development, or designee, to execute extensions of the above time period if necessary.

CONSEQUENCE OF NEGATIVE ACTION:

If the tolling agreement is not approved, the Federal Communications Commission "shot clock" requirements would require the County to act on the applications within the time prescribed by the FCC.

ATTACHMENTS

Verizon Wireless Agreement