



December Board Cycle

Milwaukee County Parks
9480 Watertown Plank Rd.
Wauwatosa, WI 53226
(414) 257-PARK

Date: November 12, 2019
To: Theodore Lipscomb, Sr., Chairman, County Board of Supervisors
From: Guy Smith, Executive Director, Milwaukee County Parks
Subject: **Providing an informational update on regulatory & statutory changes regarding Small Cell Wireless Facilities and impacts on Milwaukee County Parks - INFO**

Issue

Effective July 12, 2019 the Wisconsin State Legislature passed 2019 Wisconsin Act 14 (Act 14) governing local regulation of small cell wireless facilities (SWFs). The new law strictly limits the scope of local regulation of SWFs, particularly in relation to fees, permitting procedures, SWF placement, and aesthetics.

Background

In September 2018, the Federal Communications Commission issued Declaratory Ruling and Report and Order 18-133 (FCC Order) which sought to accelerate wireless broadband deployment by removing regulatory barriers that inhibit the infrastructure necessary for 5G and other advanced wireless services¹. Consistent with the FCC Order, Act 14 provides a statewide regulatory framework for the deployment of SWF equipment and facilities by wireless services and infrastructure providers.

¹ <https://docs.fcc.gov/public/attachments/DOC-354283A1.pdf>



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Act 14 impacts Milwaukee County and Milwaukee County Parks in the following respects:

- Expands the definition of public “right of way,” as applied to SWFs, to include highways, sidewalks and utility easements, with the definition of “highway” also including parkways that previously were not considered right of way for other purposes.
- Restricts the use fees for SWFs located in the right of way to no more than \$20 per SWF per year.
- Restricts the fees for permit applications to no more than \$500 for up to five SWFs (plus \$100 for each additional SWF).
- Limits the amount the county can charge for collocation on county-owned poles to no more than \$250 per SWF per year.
- Institutes shot-clock provisions that severely limit the time for the county to respond to an application for placement or collocation of SWFs, with approval being automatic if there is no response within the time limit.
- Allows for very limited regulation related to health/safety/welfare considerations, aesthetic concerns, and placement in historic or underground districts.
- Establishes that wireless providers have the RIGHT to collocate SWFs in the right of way and/or on county-owned poles.

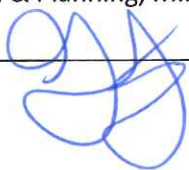
Milwaukee County Parks is working to establish specific procedures and processes to conform to state law regarding the application and permitting of SWFs.

Recommendation

This report is for informational purposes only. No action is required.

Prepared By: Jeremy Lucas, Director of Administration & Planning, Milwaukee County Parks

Approved By: Guy Smith, Executive Director _____



Attachments

- Attachment: FCC News Release 09-26-2018 <https://docs.fcc.gov/public/attachments/DOC-354283A1.pdf>

Copy

- Chris Abele, County Executive
- Raisa Koltun, Chief of Staff, County Executive's Office
- Jason Haas, Parks, Energy & Environment Chair, Supervisor District 14
- Sheldon Wasserman, Parks, Energy & Environment Vice-Chair, Supervisor District 3
- Marcella Nicholson, Parks, Energy & Environment Committee Member, Supervisor District 5
- Felesia Martin, Parks, Energy & Environment Committee Member, Supervisor District 7
- Steven Shea, Parks, Energy & Environment Committee Member, Supervisor District 8
- Kelly Bablitch, Chief of Staff, County Board of Supervisors
- Kelsey Evans, Committee Coordinator, Office of the County Clerk
- Emily Peterson, Research & Policy Analyst, Office of the Comptroller
- Mark Yatchak, Fiscal Mgt. Analyst, Admin & Fiscal Affairs, Department of Administrative Services



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