Presentation to Transportation, Technology & Infrastructure Committee

Proposed Master License Agreement for Use of the Rights-of-Way by Distributed Antenna and Small Cell Systems

Presented By: Department of Administration & Regulatory Affairs

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WHAT IS THIS TECHNOLOGY?

- Distributed Antenna Systems (DAS) and Small Cell Antennas – wireless networks

- Systems consist of antenna, control box, pole (usually CenterPoint’s pole) and fiber leading to nearest cell tower or hub/base station.

- Supplement capacity for wireless telephone service companies for voice and data service (gaps in coverage not an issue in Houston; capacity issues in congested areas).
WHO ARE THE PROVIDERS?

- **Neutral Host Providers** – i.e. Extenet, Crown Castle, Mobilitie, Zayo
  - Build infrastructure for wireless companies
  - Customers are wireless companies who lease node space from neutral host
  - Can put several “tenants” into one space i.e. co-location

- **Wireless Companies** – i.e. Verizon Wireless, AT&T, Sprint, etc.
  - Build infrastructure for their own use
  - Co-location unlikely
WHAT IS THE ISSUE?

- Private companies use the public rights-of-way ("ROW") for provision of several types of services from electricity to transportation.

- The Texas Constitution requires private entities to compensate the City for use of the public ROW.

- ARA studied the type of technology being deployed and considered the various types of potential compensation approaches for use of the ROW that could be applied, surveying:
  - Stakeholders – both neutral host providers and wireless companies
  - Other cities
  - Best practices
Based on a thorough best practices analyses, a survey of other cities, and stakeholder feedback, we propose the City enter into a Master License Agreement ("MLA") with each provider of these services that wishes to place DAS facilities in the ROW. The MLA will:

- Allow licensees access to use approved locations in the ROW to install their equipment. (Note: licensees are required to use city buildings in lieu of ROW when available in the desired area.)

- Require that proposed locations and equipment be approved by the City Engineer and subject to public safety criteria.

- Be non-exclusive to any single provider, i.e. any provider wishing to place DAS and small cell facilities in the ROW will enter into an MLA with the same terms and conditions.

- Have an initial term of five years (5) + three 5-year renewals for a total of 20 years

- **Requires Fees**: $2,000 per location per year if existing pole is used; $2,700 per location per year if new pole is installed; +$900 per year for each additional tenant on licensee pole. 2% annual escalator.
The MLA imposes certain public safety and visual standard requirements on the placement of equipment in the ROW including:

- Approval of the location by the City Engineer
- Size restrictions for both antenna and control box
- No new poles unless no existing poles or streetlights are available and other criteria are met
- Distance Requirements:
  - Minimum 300 ft distance between new poles (or any other pole that might support an antenna) unless otherwise approved by City Engineer
  - Minimum 150 ft distance from City parks, unless otherwise approved by the City
  - Minimum 150 ft distance from elementary, middle and high schools
PUBLIC SAFETY & VISUAL STANDARD PROVISIONS (cont’d)

- No aboveground fiber in areas with underground utilities

- No new poles or ground equipment (cabinets) in areas with underground utilities

- No new poles in residential neighborhoods unless otherwise approved by the City

- Facilities placed in a Management District or other area designated by the City must be appropriately camouflaged (e.g., poles are flagpoles or lamp posts; control boxes are painted with artwork or hidden by vegetation)

- No exposed wires on poles leading from antenna to control box
SAMPLES
SAMPLES
SAMPLES
SAMPLES
QUESTIONS?