

Utah Senate Bill 189 – Signed into law as of March 2018

1 When does the statute take effect?

- (Page 28, Line 780) “This bill takes effect on September 1, 2018.”

2 Is there a grandfather provision for rates on existing leased municipal facilities?

- This bill does address agreements and ordinances that are currently in effect: (Page 26, Lines 709-725) “(1) An agreement or ordinance that does not fully comply with this chapter and applies to a small wireless facility or a utility pole that is operational or installed before May 11, 2018:

(a) may not be renewed or extended unless the agreement is modified to fully comply with this chapter; and

(b) is invalid and unenforceable beginning November 8, 2018, unless the agreement or ordinance is modified before November 8, 2018, to fully comply with this chapter.

- (2) An agreement or ordinance entered into or passed before May 11, 2018, that does not fully comply with this chapter and applies to a small wireless facility or a utility pole that was not operational or installed before May 11, 2018, is invalid and unenforceable:

(a) beginning May 11, 2018; and

(b) until the agreement or ordinance is modified to fully comply with this chapter.

- (3) If an agreement or ordinance is invalid in accordance with this section, until an agreement or ordinance that fully complies with this chapter is entered or adopted:

(a) a small wireless facility or a utility pole that is operational or installed before May 11, 2018, may remain installed and operate under the requirements of this chapter; and

(b) a small wireless facility or utility pole may become operational or be installed in the right-of-way on or after May 11, 2018, under the requirements of this chapter. ”

3 What structures are included in the statute?

- (Page 4, Lines 93-94) “(7) ‘Authority pole’ means a utility pole owned, managed, or operated by, or on behalf of, an authority.”
- (Page 4, Lines 95-96) “(8) ‘Authority wireless support structure’ means a wireless support structure owned, managed, or operated by, or on behalf of, an authority.”
- (Page 5, Lines 117-127) “(14) ‘Decorative pole’ means an authority pole:

- (a) that is specially designed and placed for an aesthetic purpose; and
 - (b) (i) on which a nondiscriminatory rule or code prohibits an appurtenance or attachment, other than:
 - (A) a small wireless facility;
 - (B) a specialty designed informational or directional sign; or
 - (C) a temporary holiday or special event attachment; or
 - (ii) on which no appurtenance or attachment has been placed, other than:
 - (A) a small wireless facility;
 - (B) a specialty designed informational or directional sign; or
 - (C) a temporary holiday or special event attachment. ”
- (Page 7, Lines 188-197; Page 8, Lines 198-203) “(28) (a) ‘Utility pole’ means a pole or similar structure that:
 - (i) is in a right-of-way; and
 - (ii) is or may be used, in whole or in part, for:
 - (A) wireline communications
 - (B) electric distribution;
 - (C) lighting;
 - (D) traffic control;
 - (E) signage;
 - (F) a similar function to a function described in Subsections (28)(a)(ii)(A) through (E); or
 - (G) the collocation of a small wireless facility.
- (b) ‘Utility pole’ does not include:
 - (i) a wireless support structure;
 - (ii) a structure that supports electric transmission lines; or
 - (iii) a municipally owned structure that supports electric lines used for the provision of municipal electric service. ”
- (Page 9, Lines 228-241) “(34)(a) ‘Wireless support structure’ means an existing or proposed structure that is:
 - (i) in a right-of-way; and
 - (ii) designed to support or capable of supporting a wireless facility, including a:
 - (A) monopole;
 - (B) tower, either guyed or self-supporting;
 - (C) billboard; or
 - (D) building.
- (b) “Wireless support structure” does not include a:

- (i) structure designed solely for the collocation of a small wireless facility;
- (ii) utility pole;
- (iii) municipally owned structure that supports electric lines used for the provision of municipal electric service; or
- (iv) structure owned by an energy services interlocal entity, as described in Subsection 11-13-203(4), that uses electric lines that are used for the provision of electrical service.”

4 Does the statute apply definitions for telecommunications facility, small cell, micro transmitter or similar? If so, what are the definitions?

- (Page 3, Lines 66-67) “(1) ‘Antenna’ means communications equipment that transmits or receives an electromagnetic radio frequency signal used in the provision of a wireless service.”
- (Page 6, Lines 144-148) “(21) ‘Micro wireless facility’ means a small wireless facility:
 - (a) that, not including any antenna, is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and
 - (b) on which any exterior antenna is no longer than 11 inches.
 - (c) that only provides Wi-Fi service.”
- (Page 6, Lines 162-169; Page 7, Lines 170-177) “(25) ‘Small wireless facility’ means a wireless facility:
 - (a) on which each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and
 - (b) for which all wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any:
 - (i) electric meter;
 - (ii) concealment element;
 - (iii) telecommunications demarcation box;
 - (iv) grounding equipment;
 - (v) power transfer switch;
 - (vi) cut-off switch;
 - (vii) vertical cable run for the connection of power or other service;
 - (viii) wireless provider antenna; or
 - (xi) coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular collocation, unless the cable is a wireline backhaul facility.”

- (Page 8, Lines 204-215) “(29) (a) ‘Wireless facility’ means equipment at a fixed location that enables wireless communication between user equipment and a communications network, including:
 - (i) equipment associated with wireless communications; and
 - (ii) regardless of the technological configuration, a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or backup power supply, or comparable equipment.
- (b) ‘Wireless facility’ does not include:
 - (i) the structure or an improvement on, under, or within which the equipment is collocated; or
 - (ii) a coaxial or fiber-optic cable that is:
 - (A) between wireless structures or utility poles; or
 - (B) not immediately adjacent to or directly associated with a particular antenna; or
 - (C) a wireline backhaul facility.”
- (Page 9, Lines 204-215) “(35) ‘Wireline backhaul facility’ means a facility used to transport communications by wire from a wireless facility to a communications network.”

5 Are there maximum rates for providing access to municipally owned structures (lease or license rates)?

- (Page 23, Lines 627-645; Page 24, Line 646) “(2) (a) An authority may charge a wireless provider a rate for the right to use or occupy a right-of-way as described in Subsection (1), if, except as provided in Subsection 54-21-601(6), the rate is:
 - (i) fair and reasonable;
 - (ii) competitively neutral;
 - (iii) nondiscriminatory;
 - (iv) directly related to the wireless provider's actual use of the right-of-way; and
 - (v) not more than the greater of:
 - (A) 3.5% of all gross revenue related to the wireless provider's use of the right-of-way for small wireless facilities; or
 - (B) \$250 annually for each small wireless facility.
- (b) A wireless provider subject to a rate under this Subsection (2) shall remit payments to the authority on a monthly basis.
- (c) A rate charged in accordance with Subsection (2)(a)(v) is presumed to be fair and reasonable.
- (3) Notwithstanding Subsection (2), an authority may not require a wireless provider to pay an additional rate, fee, or compensation for the right to use or occupy a right-of-way as described in Subsection

(1), if the wireless provider is subject to the municipal telecommunications license tax under Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.”

- (Page 25, Lines 674-675) “The rate to collocate a small wireless facility on an authority pole is \$50 per year, per authority pole.”

6 Is there a restriction on exclusive management or subleasing of municipal assets?

- (Page 12, Lines 315-318) “An authority may not enter into an exclusive arrangement with any person for:
 - (1) use of a right-of-way for the collocation of a small wireless facility; or
 - (2) the installation, operation, marketing, modification, maintenance, or replacement of a utility pole.”
- (Page 22, Lines 596-605) “(1) A person owning, managing, or controlling an authority pole in a right-of-way may not enter into an exclusive arrangement with a person for the right to collocate a small wireless facility to the authority pole.
 - (2) A person who purchases or otherwise acquires an authority pole is subject to the requirements of this part.
 - (3) An authority shall allow the collocation of a small wireless facility on an authority pole in a right-of-way:
 - (a) as provided in this chapter; and
 - (b) subject to the permitting process in Part 3, Permitting Process for Small Wireless Facilities.”

7 Are municipally owned public utilities exempt?

- (Page 9, Line 250; Page 10, Lines 255-260) “Nothing in this chapter: ...
 - (3) governs:
 - (a) a pole that an electrical corporation owns or a wireless support structure that an electrical corporation owns; or
 - (b) the attachment of a small wireless facility to a pole that an electrical corporation owns or to a wireless support structure that an electrical corporation owns; or
 - (4) confers on an authority any new jurisdiction over an electrical corporation. ”

8 Does the state have a home rule provision?

- Utah is known as a constitutional home rule state – Utah Constitution Article XI, Section 5. No blatant mention or provision for home rule.

9 Can there be application fees? If so, what amount?

- (Page 24, Lines 649-671) “(1) An authority may charge an application fee, if:
 - (a) a similar fee is required for similar types of commercial development or construction within the authority's jurisdiction;
 - (b) the costs to be recovered by an application fee are not already recovered by existing fees, rates, licenses, or taxes paid by the wireless provider; and
 - (c) the fee does not include:
 - (i) travel expenses incurred by a third party in review of an application; or
 - (ii) payment or reimbursement of a third-party rate or fee charged on a contingency basis or a result-based arrangement.
- (2) Subject to Subsection (3), an application fee for collocation of a small wireless facility is limited to the cost of granting a building permit for similar types of commercial development or construction within the authority's jurisdiction.
- (3) An application fee for the collocation of a small wireless facility on an existing or replacement utility pole may not exceed \$100 for each small wireless facility on the same application.
- (4) If the activity is a permitted use described in Section 54-21-204, an application fee may not exceed \$250 per application to install, modify, or replace a utility pole associated with a small wireless facility.
- (5) If the activity is not a permitted use described in Section 54-21-204, an application fee may not exceed \$1,000 per application to:
 - (a) install, modify, or replace a utility pole; or
 - (b) install, modify, or replace a new utility pole associated with a small wireless facility.”

10 Can there be inspection fees? If so, what amount?

- This bill does not specifically mention inspection fees.

11 Can local zoning or building codes apply restrictions? If so, what are the allowable restrictions?

- (Page 10, Lines 263-266) “(1) Subject to Subsection (2), the provisions of this chapter, and applicable federal law, an authority may continue to exercise zoning, land use, planning, and permitting authority within the authority's territorial boundaries, including with respect to wireless support structures and utility poles.”
- (Page 10, Lines 267-277) “(2) An authority may exercise the authority's police-power-based regulations for the management of a public right-of-way:
 - (a) on a nondiscriminatory basis to all users of the right-of-way;
 - (b) to the extent of the authority's jurisdiction; and

- (c) consistent with state and federal law.
- (3) An authority may impose a regulation based on the authority's police power in the management of an activity of a wireless provider in a public right-of-way, if:
 - (a) to the extent the authority enforces the regulation, the authority enforces the regulation on a nondiscriminatory basis; and
 - (b) the purpose of the regulation is to protect the health, safety, and welfare of the public. ”
- (Page 12, Lines 332-337; Page 13, Lines 338-347) “(1) Subject to the provisions of this part, along, across, upon, or under a right-of-way, a wireless provider may, as a permitted use under the authority's zoning regulation and subject only to administrative review:
 - (a) collocate a small wireless facility; or
 - (b) install, operate, modify, maintain, or replace:
 - (i) a utility pole associated with the wireless provider's collocation of a small wireless facility; or
 - (ii) equipment described in Subsections 54-21-101(25)(b)(i) through (ix) required for a wireless provider's collocation of a small wireless facility.
- (2) A small wireless facility or utility pole under Subsection (1) may not:
 - (a) obstruct or hinder the usual travel or public safety on a right-of-way; or
 - (b) obstruct, damage, or interfere with:
 - (i) another utility facility in a right-of-way; or
 - (ii) a utility's use of the utility's facility in a right-of-way.
- (3) Construction and maintenance by the wireless provider shall comply with all applicable legal obligations for the protection of underground and overhead utility facilities.”
- (Page 13, Lines 361-365; Page 14, Lines 366-373) “A wireless provider shall comply with an authority's prohibition on a communications service provider installing a structure in the right-of-way in an area designated solely for underground or buried cable and utility facilities, if:
 - (1) the prohibition is reasonable and nondiscriminatory; and
 - (2) the authority:
 - (a) (i) requires that all cable and utility facilities, other than an authority pole and attachment, be placed underground; and
 - (ii) establishes the requirement in Subsection (2)(a)(i) more than 90 days before the day on which the applicant submits the application;
 - (b) does not prohibit the replacement of an authority pole in the designated area; and

(c) permits a wireless provider to seek a waiver, that is administered in a nondiscriminatory manner, of the undergrounding requirement for the placement of a new utility pole to support a small wireless facility.”

- (Page 15, Lines 413-421; Page 16, Line 422) “(1) If a wireless provider's activity causes damage to a right-of-way, the wireless provider shall repair the right-of-way to substantially the same condition as before the damage.
 - (2) If a wireless provider fails to make a repair required by an authority under Subsection (1) within a reasonable time after written notice, the authority may:
 - (a) make the required repair; and
 - (b) charge the wireless provider the reasonable, documented, actual cost for the repair.
 - (3) If the damage described in Subsection (1) causes an urgent safety hazard, an authority may:
 - (a) immediately make the necessary repair; and
 - (b) charge the wireless provider the reasonable, documented, actual cost for the repair.”
- (Page 16, Lines 436-449; Page 17, Lines 450-452) “(1) An authority may require an applicant to obtain a permit to:
 - (a) collocate a small wireless facility in a right-of-way; or
 - (b) install a new, modified, or replacement utility pole associated with a small wireless facility in a right-of-way, as provided in Section 54-21-204.
- (2) If an authority establishes a permitting process under Subsection (1), the authority:
 - (a) shall ensure that a required permit is of general applicability;
 - (b) may not require:
 - (i) directly or indirectly, that an applicant perform a service or provide a good unrelated to the permit, including reserving fiber, conduit, or pole space for the authority;
 - (ii) an applicant to provide more information to obtain a permit than a communications service provider that is not a wireless provider or a utility, except to the extent the applicant is required to include engineering drawings or other information to demonstrate the construction or applicant's application should be not denied under Subsection (7);

- (iii) the placement of a small wireless facility on a specific utility pole or category of poles;
 - (iv) multiple antenna systems on a single utility pole; or
 - (v) a minimum separation distance, limiting the placement of a small wireless facility;"
- (Page 21, Lines 572-579) "(1) Except as provided in Subsection (2), an authority may not require a permit for:
 - (a) routine maintenance;
 - (b) the replacement of a small wireless facility with a small wireless facility that is substantially similar or smaller in size; or
 - (c) the installation, placement, maintenance, operation, or replacement of a micro wireless facility that is strung on a cable between existing utility poles, in compliance with the National Electrical Safety Code."
- (Page 21, Lines 580-589) "(2) (a) An authority may require a wireless provider to obtain a permit in accordance with Section 72-7-102 for work that requires excavation or closing of sidewalks or vehicular lanes in a public right-of-way.
 - (b) If an authority requires a permit under Subsection (2)(a), the authority shall process and approve the permit within the same time period the authority processes and approves a permit for all other types of entities.
- (3) (a) An authority may require advance notice of an activity described in Subsection (1).
 - (b) A wireless provider may replace or upgrade a utility pole only with the approval of the utility pole's owner."
- (Page 25, Lines 679-689) "(1) An authority may, to the extent allowed by law and consistent with this chapter, establish rates, fees, and other terms that comply with this chapter by:
 - (a) implementing an ordinance; or
 - (b) if applicable, executing an agreement with a wireless provider.
- (2) In the absence of an ordinance or agreement that fully complies with this chapter, a wireless provider may install and operate a small wireless facility or a utility pole associated with a small wireless facility:
 - (a) subject to Section 54-21-602; and
 - (b) under the requirements of this chapter.
 - (3) An authority may establish an ordinance or require an agreement to implement this chapter. "
- (Page 26, Lines 728-729; Page 27, Lines 730-733) "(1) Notwithstanding any provision to the contrary, an authority may require a wireless

provider to relocate or adjust a small wireless facility in a public right-of-way:

- (a) in a timely manner; and
 - (b) without cost to the authority owning the public right-of-way.
- (2) The reimbursement obligations under Section 72-6-116(3)(b) do not apply to the relocation of a small wireless facility. ”

12 Are strand mounted devices or facilities exempt?

- Yes, (Page 21, Lines 572-573,577-579) “(1) Except as provided in Subsection (2), an authority may not require a wireless provider to submit an application, obtain a permit, or pay a rate for:
 - ...(c) the installation, placement, maintenance, operation, or replacement of a micro wireless facility that is strung on a cable between existing utility poles, in compliance with the National Electrical Safety Code.”

13 Are privately owned structures in ROW exempt?

- This bill does not address privately owned structures in the ROW.

14 Are there design restrictions? If so, what are they?

- (Page 6, Lines 144-148) “(21) ‘Micro wireless facility’ means a small wireless facility:
 - (a) that, not including any antenna, is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and
 - (b) on which any exterior antenna is no longer than 11 inches.
 - (c) that only provides Wi-Fi service.”
- (Page 6, Lines 162-169; Page 7, Lines 170-177) “(25) ‘Small wireless facility’ means a wireless facility:
 - (a) on which each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and
 - (b) for which all wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any:
 - (i) electric meter;
 - (ii) concealment element;
 - (iii) telecommunications demarcation box;
 - (iv) grounding equipment;
 - (v) power transfer switch;
 - (vi) cut-off switch;
 - (vii) vertical cable run for the connection of power or other service;

- (viii) wireless provider antenna; or
 - (xi) coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular collocation, unless the cable is a wireline backhaul facility.”
- (Page 10, Lines 278-281; Page 11, Lines 282-287) “(4) An authority may adopt design standards for the installation and construction of a small wireless facility or utility pole in a public right-of-way that:
 - (a) are reasonable and nondiscriminatory; and (b) include additional installation and construction details that do not conflict with this chapter, including a requirement that:
 - (i) an industry standard pole load analysis be completed and submitted to an authority, indicating that the utility pole, to which the small wireless facility is to be attached, will safely support the load; or
 - (ii) small wireless facility equipment, on new and existing utility poles, be placed higher than eight feet above ground level.”
- (Page 11, Lines 288-292) “(5) (a) A wireless provider shall comply with an authority's design standards described in Subsection (4), if any, in place on the day on which the wireless provider files a permit application in relation to work for which the authority approves the permit application. (b) An authority's obligations under this chapter may not be tolled or extended pending the adoption or modification of design standards.”
- (Page 11, Lines 293-298) “(6) A wireless provider may not install a new utility pole in a public right-of-way without the authority's discretionary, nondiscriminatory, and written consent, if the public right-of-way is adjacent to a street or thoroughfare that is:
 - (a) not more than 60 feet wide, as depicted in the official plat records; and
 - (b) adjacent to single-family residential lots, other multifamily residences, or undeveloped land that is designated for residential use by zoning or deed restrictions.”
- (Page 13, Lines 350-353) “(1) A new or modified utility pole that has a collocated small wireless facility, and that is installed in a right-of-way, may not exceed 50 feet above ground level.

(2) An antenna of a small wireless facility may not extend more than 10 feet above the top of a utility pole existing on or before September 1, 2018. ”

- (Page 13, Lines 356-358) “If necessary to collocate a small wireless facility, a wireless provider may replace a decorative pole, if the replacement pole reasonably conforms to the design aesthetic of the displaced decorative pole.”
- (Page 14, Lines 376-393; Page 15, Lines 394-403) “(1) Subject to the permit process described in Section 54-21-302, an authority may require a reasonable, technically feasible, nondiscriminatory, or technologically neutral design or concealment measure in an historic district, unless the facility is excluded from evaluation for effects on historic properties under 47 C.F.R. Sec. 1.1307(a)(4).
 - (2) A design or concealment measure described in Subsection (1) may not:
 - (a) have the effect of prohibiting a provider's technology; or
 - (b) be considered a part of the small wireless facility for purposes of the size parameters in the definition of a small wireless facility.
 - (3) (a) A wireless provider shall obtain advance approval from an authority new as an before collocating a new small wireless facility or installing a utility pole in an area that is zoned or otherwise designated historic district or a design district.
 - (b) As a condition for approval of a new small wireless facility or a new utility pole in an historic district or a design district, an authority may require reasonable design or concealment measures for the new small wireless facility or the new utility pole.
 - (4) A wireless provider shall comply with an authority's reasonable and nondiscriminatory design and aesthetic standards requiring the use of certain camouflage measures in connection with a new small wireless facility in an historic district or a design district, if the camouflage measures are technically and economically feasible consistent with this chapter.
 - (5) This section does not limit an authority's ability to enforce historic preservation zoning regulations consistent with:
 - (a) the preservation of local zoning authority under 47 U.S.C. Sec. 332(c)(7);
 - (b) the requirements for facility modifications under:
 - (i) 47 U.S.C. Sec. 1455(a); or
 - (ii) the National Historic Preservation Act of 1966, 16 U.S.C. Sec. 470 et seq.;

- (c) the regulations adopted to implement the laws described in Subsections (5)(a) and (b); and
 - (d) Section 10-9a-503.”
- (Page 5, Lines 128-131) “(15) ‘Design district’ means an area:
 - (a) that is zoned or otherwise designated by municipal ordinance or code; and
 - (b) for which the authority maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.”
- (Page 5, Lines 136-141) “(19) ‘Historic district’ means a group of buildings, properties, or sites that are:
 - (a) in accordance with 47 C.F.R. Part 1, Appendix C:
 - (i) listed in the National Register of Historic Places; or
 - (ii) formally determined eligible for listing in the National Register of Historic Places by the Keeper of the National Register; or
 - (b) in an historic district or area created under Section 10-9a-503.”
- (Page 7, Lines 184-187) “(27) ‘Technically feasible’ means that by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or the small wireless facility’s design or site location, can be implemented without a significant reduction or impairment to the functionality of the small wireless facility.”
- (Page 18, Lines 491-502) “(7) An authority may deny an application to collocate a small wireless facility or to install, modify, or replace a utility pole that meets the height limitations under Section 54-21-205, only if the action requested in the application:
 - (a) materially interferes with the safe operation of traffic control equipment;
 - (b) materially interferes with a sight line or a clear zone for transportation or pedestrians;
 - (c) materially interferes with compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12101 et seq., or a similar federal or state standard regarding pedestrian access or movement;
 - (d) fails to comply with applicable laws or legal obligations;
 - (e) creates a public health or safety hazard; or
 - (f) obstructs or hinders the usual travel or public safety of the right-of-way. ”

15 What are the shot clocks as defined by statute?

- (Page 10, Lines 278-281; Page 11, Lines 282-287) “(4) An authority may adopt design standards for the installation and construction of a small wireless facility or utility pole in a public right-of-way that:
 - (a) are reasonable and nondiscriminatory; and (b) include additional installation and construction details that do not conflict with this chapter, including a requirement that:
 - (i) an industry standard pole load analysis be completed and submitted to an authority, indicating that the utility pole, to which the small wireless facility is to be attached, will safely support the load; or
 - (ii) small wireless facility equipment, on new and existing utility poles, be placed higher than eight feet above ground level.”
- (Page 11, Lines 293-298) “(6) A wireless provider may not install a new utility pole in a public right-of-way without the authority's discretionary, nondiscriminatory, and written consent, if the public right-of-way is adjacent to a street or thoroughfare that is:
 - (a) not more than 60 feet wide, as depicted in the official plat records; and
 - (b) adjacent to single-family residential lots, other multifamily residences, or undeveloped land that is designated for residential use by zoning or deed restrictions.”
- (Page 17, Lines 454-477; Page 18, Lines 478-490) “(1) An authority may require an applicant to obtain a permit to: ...
 - (c) may require an applicant to attest that the small wireless facility will be operational for use by a wireless service provider within 270 days after the day on which the authority issues the permit, except in the case that:
 - (i) the authority and the applicant agree to extend the 270-day period; or
 - (ii) lack of commercial power or communications transport infrastructure to the site delays completion.
 - (3) Within 30 days after the day on which an authority receives an application for the collocation of a small wireless facility or for a new, modified, or replacement utility pole, the authority shall:
 - (a) determine whether the application is complete; and
 - (b) notify the applicant in writing of the authority's determination of whether the application is complete.
 - (4) If an authority determines, within the applicable time period described in Subsection (3), that an application is incomplete:

- (a) the authority shall specifically identify the missing information in the written notification sent to the applicant under Subsection (3)(b); and
 - (b) the processing deadline in Subsection (6) is tolled:
 - (i) from the day on which the authority sends the applicant the written notice to the day on which the authority receives the applicant's missing information; or
 - (ii) as the applicant and the authority agree.
 - (5) An application for a small wireless facility expires if:
 - (a) the authority notifies the wireless provider that the wireless provider's application is incomplete, in accordance with Subsection (4); and
 - (b) the wireless provider fails to respond within 90 days after the day on which the authority notifies the wireless provider under Subsection (5)(a).
 - (6) (a) An authority shall:
 - (i) process an application on a nondiscriminatory basis; and
 - (ii) approve or deny an application:
 - (A) for the collocation of a small wireless facility, within 60 days after the day on which the authority receives the complete application; and
 - (B) for a new, modified, or replacement utility pole, within 105 days after the day on which the authority receives the complete application.
 - (b) If an authority fails to approve or deny an application within the applicable time period described in Subsection (6)(a)(ii), the application is approved.
 - (c) Notwithstanding Subsections (6)(a) and (b), an authority may extend the applicable period described in Subsection (6)(a)(ii) for a single additional period of 10 business days, if the authority notifies the applicant before the day on which approval or denial is originally due.”
- (Page 18, Lines 503-505; Page 19, Lines 506-514) “(8) (a) If an authority denies an application under Subsection (7), the authority shall:
 - (i) document the basis for the denial, including any specific law on which the denial is based; and
 - (ii) send the documentation described in Subsection (8)(a)(i) to the applicant on or before the day on which the authority denies the application.
 - (b) Within 30 days after the day on which an authority denies an application, the applicant may, without paying an additional application fee:

- (i) cure any deficiency the authority identifies in the applicant's application; and
 - (ii) resubmit the application.
- (c) (i) An authority shall approve or deny an application revised in accordance with Subsection (8)(b) within 30 days after the day on which the authority receives the revised application.”
- (Page 19, Lines 528-533; Page 20, Lines 534-536) “(b) An applicant may not file within a 30-day period:
 - (i) with a category one authority, more than:
 - (A) three consolidated applications; or
 - (B) multiple applications that collectively seek permits for a combined total of more than 75 small wireless facilities and utility poles; or
 - (ii) with a category two authority, more than:
 - (A) one consolidated application; or
 - (B) multiple applications that collectively seek permits for a combined total of more than 25 small wireless facilities and utility poles.”
- (Page 20, Lines 544-558) “(10) A wireless provider shall complete the installation or collocation for which a permit is granted under this part within 270 days after the day on which the authority issues the permit, unless:
 - (a) the authority and the applicant agree to extend the one-year period; or
 - (b) lack of commercial power or communications facilities at the site delays completion.
- (11) Approval of an application authorizes the applicant to:
 - (a) collocate or install a small wireless facility or utility pole, as requested in the application; and
 - (b) subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain for a period of at least 10 years:
 - (i) any small wireless facility covered by the permit; and
 - (ii) any utility pole covered by the permit.
- (12) If there is no basis for denial under Subsection (7), an authority shall grant the renewal of an application under this section for an equivalent duration. ”

16 Does the statute require local acceptance of bulk applications?

- Yes, (Page 19, Lines 518-533; Page 20, Lines 534-543) “(9) (a) Subject to Subsections (9)(b) and (c), if an applicant seeks to:
 - (i) collocate multiple small wireless facilities within a single authority, the authority shall allow the applicant, at the

- applicant's discretion, to file a consolidated application for the collocation of up to 25 small wireless facilities, if all of the small wireless facilities in the consolidated application are:
 - (A) substantially the same type; and
 - (B) proposed for collocation on substantially the same types of structures; or
 - (ii) install, modify, or replace multiple utility poles within a single authority, the authority shall allow the applicant, at the applicant's discretion, to file a consolidated application for the installation, modification, or replacement of up to 25 utility poles.
 - (b) An applicant may not file within a 30-day period:
 - (i) with a category one authority, more than:
 - (A) three consolidated applications; or
 - (B) multiple applications that collectively seek permits for a combined total of more than 75 small wireless facilities and utility poles; or
 - (ii) with a category two authority, more than:
 - (A) one consolidated application; or
 - (B) multiple applications that collectively seek permits for a combined total of more than 25 small wireless facilities and utility poles.
 - (c) A consolidated application described in Subsection (9)(a) may not combine applications solely for collocation of small wireless facilities on existing utility poles with applications for the installation, modification, or replacement of a utility pole.
 - (d) If an authority denies the application for one or more utility poles, or one or more small wireless facilities, in a consolidated application, the authority may not use the denial as a basis to delay the application process of any other utility pole or small wireless facility in the same consolidated application."

17 Is the city required to complete the make ready work? If so, is there a limit on what they can charge and any requirements they must meet?

- This bill does not mention make-ready work.

NOTE: Includes indemnification, insurance, and bonding requirements clause.

NOTE: Includes "Regulation of Utilities – Relocation of Utilities" clause.