

1 [Master License Agreements - ExteNet Systems, LLC, and GTE Mobilnet of California, LP,
2 d/b/a Verizon Wireless - Outdoor Distributed Antenna System Pole Installation]

3 **Resolution authorizing the General Manager of the San Francisco Public Utilities**
4 **Commission to execute Master License Agreements for Outdoor Distributed Antenna**
5 **System Pole Installation between the City and County of San Francisco, ExteNet**
6 **Systems (California), LLC, and GTE Mobilnet of California, LP, d/b/a Verizon Wireless,**
7 **each for a term of 12 years to commence following Board approval.**

8
9 WHEREAS, Under Charter, Section 4.112, the San Francisco Public Utilities
10 Commission (SFPUC) has the “exclusive charge of the construction, management,
11 supervision, maintenance, extension, expansion, operation, use and control of all energy
12 supplies and utilities of the City and County of San Francisco (City) as well as the real,
13 personal and financial assets, that are under the Commission’s jurisdiction or assigned to the
14 Commission under Section 4.132,” as provided in Charter, Section 8B.121(a); and

15 WHEREAS, Under Administrative Code, Section 25.6, the SFPUC has the authority to
16 determine the intensity of illumination, number and spacing of lighting facilities, and other
17 details necessary to secure satisfactory street lighting; and

18 WHEREAS, The SFPUC currently owns approximately 16,800 street light poles in San
19 Francisco; and

20 WHEREAS, On April 24, 2012, by Resolution No. 12-0066, the SFPUC Commission
21 adopted the San Francisco Street Light Pole Use Policy, which affirmed that street lighting is
22 the single most important use of SFPUC-owned street light poles, and created a consistent
23 framework for reviewing and approving alternate street light pole uses by city agencies,
24 neighborhood associations and community business districts; and

25

1 WHEREAS, Certain telecommunications providers have approached the SFPUC
2 seeking access to its street light poles for the installation of distributed antenna systems in
3 order to provide enhanced wireless services to customers in San Francisco; and

4 WHEREAS, It is in the best interests of the SFPUC to maximize the revenue-
5 generating potential of its street light pole assets while protecting street light infrastructure and
6 facilitating the provision of better wireless services in San Francisco; and

7 WHEREAS, The SFPUC has developed a Master License Agreement for Outdoor
8 Distributed Antenna System Pole Installation (Master License) that the SFPUC intends to
9 make available to any authorized telecommunications carrier in order to address requests for
10 the use of SFPUC street light assets in a fair and equitable manner; and

11 WHEREAS, The Master License contains a mechanism for issuing individual street
12 light pole licenses, each designating the street light pole location and describing the
13 communications antennas and equipment to be installed on the pole; and

14 WHEREAS, The Master License authorizes the SFPUC to consult with the Planning
15 Department to ensure that the design of any communications antennas and equipment to be
16 installed on any SFPUC street light pole is appropriate for a given location; and

17 WHEREAS, The Master License provides that the SFPUC will not allow any
18 communications antennas and equipment to be installed on a street light pole unless the
19 Department of Public Works has issued the permit required under Article 25 of the Public
20 Works Code; and

21 WHEREAS, On October 28, 2014, the SFPUC approved Resolution No. 14-0173
22 authorizing the General Manager of the SFPUC to enter into Master Licenses with any
23 authorized telecommunications carrier; and

24 WHEREAS, The SFPUC has negotiated Master Licenses with ExteNet Systems
25 (California), LLC and GTE Mobilnet of California, Limited Partnership d/b/a Verizon Wireless,

1 each of which has a term of twelve (12) years, a copy of such Master Licenses are on file with
2 the Clerk of the Board in File No. 141162 and

3 WHEREAS, The SFPUC anticipates that each Master License could result in revenues
4 of more than one million dollars (\$1,000,000); and

5 WHEREAS, Charter, Section 9.118 requires the Board of Supervisors to approve
6 agreements having a term in excess of ten (10) years or having anticipated revenue to the
7 City of more than one million dollars (\$1,000,000); now, therefore, be it

8 RESOLVED, That the Board of Supervisors hereby authorizes the General Manager of
9 the SFPUC to enter into the Master Licenses in substantially the form on file with the Clerk of
10 the Board of Supervisors, and to enter into any pole licenses that are necessary to effectuate
11 the purposes of the Master Licenses; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors authorizes the General
13 Manager of the SFPUC to enter into any additions, amendments or other modifications to the
14 Master Licenses (including, without limitation, preparation and attachment of, or changes to,
15 any or all of the exhibits and ancillary agreements) that the General Manager, in consultation
16 with the City Attorney, determines is in the best interest of the SFPUC, do not materially
17 increase the obligations or liabilities of the SFPUC or City or materially decrease the public
18 benefits accruing to the SFPUC, and are necessary or advisable to complete the transactions
19 contemplated and effectuate the purpose and intent of this Resolution, such determination to
20 be conclusively evidenced by the execution and delivery by the General Manager of any such
21 documents; and, be it

22 FURTHER RESOLVED, That within thirty (30) days of the Master Licenses being fully
23 executed by all parties, the SFPUC shall provide final versions of the Master Licenses to the
24 Clerk of the Board for inclusion into the official file.

25