

AMENDED IN COMMITTEE

7/13/16

FILE NO. 160539

RESOLUTION NO. 309-16

1 [Master License Agreement - New Cingular Wireless PCS, LLC, dba AT&T - Outdoor
2 Distributed Antenna System Pole Installation]

3 **Resolution authorizing the General Manager of the San Francisco Public Utilities**
4 **Commission to execute a Master License Agreement for Outdoor Distributed Antenna**
5 **System Pole Installation between the City and County of San Francisco and New**
6 **Cingular Wireless PCS, LLC, dba AT&T, for a term of 12 years to commence following**
7 **Board approval.**

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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

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, On December 16, 2014, the Board of Supervisors approved Resolution
25 No. 463-14, authorizing the General Manager of the SFPUC to enter into Master License

1 Agreements with ExteNet Systems (California), LLC, and GTE Mobilnet of California, Limited
2 Partnership d/b/a Verizon Wireless; and

3 WHEREAS, On February 13, 2015, the Board of Supervisors approved Resolution
4 No. 31-15, authorizing the General Manager of the SFPUC to enter into a Master License
5 Agreement with Mobilitie Investments, LLC; and

6 WHEREAS, The SFPUC has negotiated a Master License with New Cingular Wireless
7 PCS, LLC, dba AT&T, which has a term of twelve (12) years, and is on file with the Clerk of
8 the Board of Supervisors in File No. 160539; and

9 WHEREAS, The SFPUC anticipates that the Master License could result in revenues
10 of more than \$1,000,000; and

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

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

18 FURTHER RESOLVED, That the Board of Supervisors authorizes the General
19 Manager of the SFPUC to enter into any additions, amendments or other modifications to the
20 Master License (including, without limitation, preparation and attachment of, or changes to,
21 any or all of the exhibits and ancillary agreements) that the General Manager, in consultation
22 with the City Attorney, determines is in the best interest of the SFPUC, do not materially
23 increase the obligations or liabilities of the SFPUC or City or materially decrease the public
24 benefits accruing to the SFPUC, and are necessary or advisable to complete the transactions
25 contemplated and effectuate the purpose and intent of this Resolution, such determination to

1 be conclusively evidenced by the execution and delivery by the General Manager of any such
2 documents; and, be it

3 FURTHER RESOLVED, That the revenues generated by these licenses will be
4 appropriated to the streetlight program in the Annual Appropriation Ordinance; and, be it

5 FURTHER RESOLVED, That within thirty (30) days of the Master License being fully
6 executed by all parties, the SFPUC shall provide a final version of the Master License to the
7 Clerk of the Board for inclusion into the official file.

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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160539

Date Passed: July 19, 2016

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute a Master License Agreement for Outdoor Distributed Antenna System Pole Installation between the City and County of San Francisco and New Cingular Wireless PCS, LLC, dba AT&T, for a term of 12 years to commence following Board approval.

July 13, 2016 Budget and Finance Sub-Committee - AMENDED

July 13, 2016 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED


July 19, 2016 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee


Noes: 1 - Peskin

File No. 160539

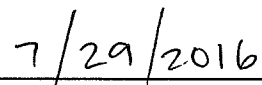
I hereby certify that the foregoing Resolution was ADOPTED on 7/19/2016 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



Mayor



Date Approved