

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 16-0223

WHEREAS, The San Francisco Public Utilities Commission (SFPUC), pursuant to San Francisco Charter Section 4.112, has the “exclusive charge of the construction, management, supervision, maintenance, extension, expansion, operation, use and control of all water, clean water and energy supplies and utilities of the City and County of San Francisco (City) as well as the real, personal and financial assets, that are under the Commission's jurisdiction or assigned to the Commission under Section 4.132,” as provided in San Francisco Charter Section 8B121; and

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

WHEREAS, The SFPUC currently owns approximately 16,800 street light poles in San Francisco, of which approximately 7,300 are concrete poles and 9,500 are steel poles; and

WHEREAS, On April 24, 2012, by Resolution No. 12-0066, this Commission adopted the San Francisco Street Light Pole Use Policy; and

WHEREAS, Resolution No. 12-0066 affirmed that street lighting is the single most important use of SFPUC-owned street light poles; and

WHEREAS, Resolution No. 12-0066 created a consistent framework for reviewing and approving alternate street light pole uses by city agencies, neighborhood associations and community business districts; and

WHEREAS, For-profit private interests seek access to the SFPUC street light poles for installation of Distributed Antenna Systems (DAS); and

WHEREAS, On October 28, 2014, by Resolution No. 14-0173, this Commission adopted the Street Light License Program, a street light pole licensing program that maximizes the revenue-generating potential of street light pole assets while protecting street light infrastructure; and

WHEREAS, On December 19, 2014, by Resolution No. 463-14, the San Francisco Board of Supervisors intends for the Annual Appropriation Ordinance to appropriate funds generated by Master Licenses for the streetlight program; and

WHEREAS, In Resolution 14-0173, this Commission also approved the Master License and Pole License forms and authorized the SFPUC General Manager, or his designee, to (1) execute Master Licenses between the City, as master licensor and telecommunications carriers, as master licensees, following approval of each Master License to specific telecommunications carriers by the Board of Supervisors and Mayor; and (2) execute Pole Licenses, as amendments to a Master License, each for a term that is co-terminus with the Master License; and

WHEREAS, The Master License includes a mechanism for issuing individual street light pole licenses, each designating the street light pole location and describing related communications antennas and equipment (each, a Pole License) to address requests in a consistent manner; and

WHEREAS, The Master License excluded the licensing of concrete poles; and

WHEREAS, The Master License for Concrete Poles requires the licensees to replace the existing concrete poles with new concrete poles that meet the SFPUC's specifications and are capable of supporting the licensee's equipment, thereby mitigating any risk to these SFPUC assets; and

WHEREAS, the Planning Department will undertake review pursuant to the California Environmental Quality Act, (CEQA), as part of the Public Works permit process for installation of the DAS, as necessary prior to approval of any installation necessary; now, therefore, be it

RESOLVED, That this Commission hereby approves the amendment to the terms and conditions of the SFPUC Power Enterprise revenue-generating program to include licensing existing SFPUC concrete street light poles for Distributed Antenna System (DAS) carrier use by telecommunications carriers using licensed spectrum and third-party hosts certified by the California Public Utilities Commission (Street Light License Program); and be it

FURTHER RESOLVED, That this Commission approves the terms and conditions of, and authorizes the SFPUC General Manager to execute, Master License for Concrete Poles agreements (Master License) between the City and County of San Francisco (City) as master licensor and as yet to be determined telecommunications carriers, as master licensees, and approves the form of the Master License, including the form of Pole License, on file with the Commission Secretary; subject to Board of Supervisors approval of each Master License, pursuant to Charter Section 9.118; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the General Manager to enter into any other amendments or modifications to a Master License for Concrete Poles and Pole Licenses that the General Manager determines, in consultation with the City Attorney, are in the best interest of the City; do not materially increase the obligations or liabilities of the City or materially diminish the benefits to the City, are necessary or advisable to effectuate the purposes and intent of the Master License for Concrete Poles or Pole License or this resolution; and are in compliance with all applicable laws, including the City Charter.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of October 25, 2016.



Secretary, Public Utilities Commission