

1 [Master License Agreement for Use of Concrete Poles - ExteNet Systems, LLC, New Cingular
2 Wireless PCS, LLC, dba AT&T, and GTE Mobilnet of California, LP, dba Verizon Wireless]

3 **Resolution authorizing the General Manager of the San Francisco Public Utilities**
4 **Commission to execute a Master License Agreement for Use of Concrete Poles**
5 **between the City and County of San Francisco and ExteNet Systems, LLC, New**
6 **Cingular Wireless PCS, LLC, dba AT&T, and GTE Mobilnet of California, LP, dba**
7 **Verizon Wireless for a term of 12 years to commence following 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
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16 WHEREAS, Under Administrative Code, Section 25.6, the SFPUC has the authority to
17 determine the intensity of illumination, number and spacing of lighting facilities, and other
18 details necessary to secure satisfactory street lighting; and

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

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

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

4 WHEREAS, Certain telecommunications providers have approached the SFPUC
5 seeking access to its concrete poles for the installation of distributed antenna systems in order
6 to provide enhanced wireless services to customers in San Francisco; and

7 WHEREAS, The SFPUC has developed a Master License Agreement for Use of
8 Concrete Poles (Master License) that the SFPUC intends to make available to any authorized
9 telecommunications carrier in order to address requests for these SFPUC assets in a fair and
10 equitable manner; and

11 WHEREAS, The Master License contains a mechanism for issuing individual licenses
12 for the SFPUC's concrete poles, each license designating the 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 a concrete 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 concrete 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, The Master License mitigates any risk to these SFPUC assets by requiring
22 the licensee to replace the existing concrete poles with new concrete poles that meet the
23 SFPUC's specifications and are capable of supporting the licensees' equipment; and

24 WHEREAS, On October 25, 2016, the SFPUC, approved Resolution No. 16-0223,
25 authorizing the General Manager of the SFPUC to enter into Master Licenses with any

1 telecommunications carrier authorizing the installation and maintenance of communications
2 and antennas on SFPUC concrete poles; and

3 WHEREAS, The SFPUC has negotiated Master Licenses with ExteNet Systems, LLC,
4 New Cingular Wireless PCS, LLC d/b/a AT&T, and GTE Mobilnet of California, LP, d/b/a
5 Verizon Wireless, each of which has a term of twelve years, and is on file with the Clerk of the
6 Board of Supervisors in File No. 161186; and

7 WHEREAS, The SFPUC anticipates that each of these Master Licenses could result in
8 revenues of more than one million dollars (\$1,000,000); and

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

12 RESOLVED, That the Board of Supervisors hereby authorizes the General Manager of
13 the SFPUC to enter into the Master Licenses with ExteNet Systems, LLC, New Cingular
14 Wireless PCS, LLC d/b/a AT&T, and GTE Mobilnet of California, LP, d/b/a Verizon Wireless,
15 in substantially the form on file with the Clerk of the Board of Supervisors, and to enter into
16 any pole licenses that are necessary to effectuate the purposes of the Master Licenses; and,
17 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 Licenses (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 Licenses with
6 ExteNet Systems, LLC, New Cingular Wireless PCS, LLC d/b/a AT&T, and GTE Mobilnet of
7 California, LP being fully executed by all parties, the SFPUC shall provide a final version of
8 the Master Licenses to the Clerk of the Board for inclusion into the official file.

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