

# Update on Erie Telecommunications and Cable Topics

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GABRIELLE DALEY, ESQ.

KISSINGER & FELLMAN, P.C.

GABRIELLE@KANDF.COM

WWW.KANDF.COM

MAY 7, 2019



# Overview of Update

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- Comcast Cable Franchise Renewal
- Small Cell Wireless Facilities and Revisions to Town's Wireless Code
- Broadband

# Cable Franchise Renewal

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# Overview of Cable Franchise Process

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- Current Franchise set to expire May 2019
- Town Examines and Evaluates Future Cable-Related Needs
- Currently in Process of Finalizing Draft Franchise based upon Model Agreement Developed through the Colorado Communications and Utility Alliance
- Will soon send to Comcast for its review
- Negotiations
- Finalization of Franchise



# Differences in the Proposed Franchise Compared to the Existing Franchise

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- HD PEG Channels
- Regulations for Rights of Way Use
- Competitive Equity
- Definition of “Franchise Fees” and language regarding the Town’s Right to Audit Compliance with Financial Obligations

# Impact on the Town and Residents

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- Continue to provide oversight as Local Franchising Authority to ensure community needs are met
- Ability to view Town programming in high definition
- Better ability to audit financial the cable operator's financial obligations

# Impact of Current FCC Rulemaking on Cable Franchising

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- FCC 05-311, Second Further Notice of Proposed Rulemaking
- Potential to significantly impact local regulation of Cable Franchises
- FCC is poised to adopt rules that may change 35 years of interpretation of the Cable Act, and may significantly limit a local government's ability:
  - To make PEG and other non-monetary franchise commitments
  - To charge the 5% franchise fee, if a local government wants to retain its PEG channel(s)
- Stay tuned – decision expected later this year



# Small Cells

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# Colorado's Small Cell Law HB 17-1193

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- Codified at CRS 29-27-401, et seq. and 38-5.5-102, et seq.
- Small cells are a use by right in any zone district
- Subject to local police powers (including zoning requirements)
- Defines “small cell”
- Applies existing state shot clock for wireless facilities
- Provides for “batched” applications

# The FCC's Wireless Orders

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- FCC has issued 3 recent orders that preempt various kinds of local government authority over the siting of wireless facilities, especially small cell in rights of way
- Primary FCC order addressing local control over small cells conflicts in a number of ways with our new state law (more on that in a minute)
- FCC orders are being challenged in federal court
- Challenge for Erie (and all other Colorado local governments) is to amend code provisions and local application and license/permit practices to comply with state and federal law

# Conflicts between Colorado Statutes and FCC Small Cell Order

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- State definition of collocation - mounting equipment on a tower, building, or structure with existing broadband service equipment
- FCC Rules: mounting equipment on any pre-existing structure , even those that have not been approved for wireless facilities
- State definition of small cell: each antenna to fit w/in enclosure of no more than 3 cubic feet and primary equipment enclosures of no more than 17 cubic feet , with some equipment excepted; height is subject to local zoning
- FCC Rules: each antenna no more than 3 cubic feet and equipment of no more than 28 cubic feet, PLUS, can be located on structures of up to 50 feet in height or may extend existing structure to 50 feet or 10% increase in height, whichever is greater



# Local Government Authority Over RF

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- 47 U.S.C. § 332(c)(7)(B)(iv)
- Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies; Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields, ET Docket No. 13-84, 03-137 (Mar. 29, 2013)



# Updates to Town Code

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- Updating Town Wireless Regulations to accommodate changes in state and federal law
- Current Provisions:
  - Unified Development Code, Chapter 3, Section 10.3.2(b)



# Broadband

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# SB 152

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- Broadband feasibility study in 2017
- Vantage Point Report, January 2018
  - Presented multiple options for Erie to consider
  - Did not recommend that Erie consider an option to build a full Fiber-to-to-Home Network serving all residents
  - Recommendations for streamlining wireless administrative processes
- Opt-Out Vote held 2018



# Vantage Point Report- Executive Summary

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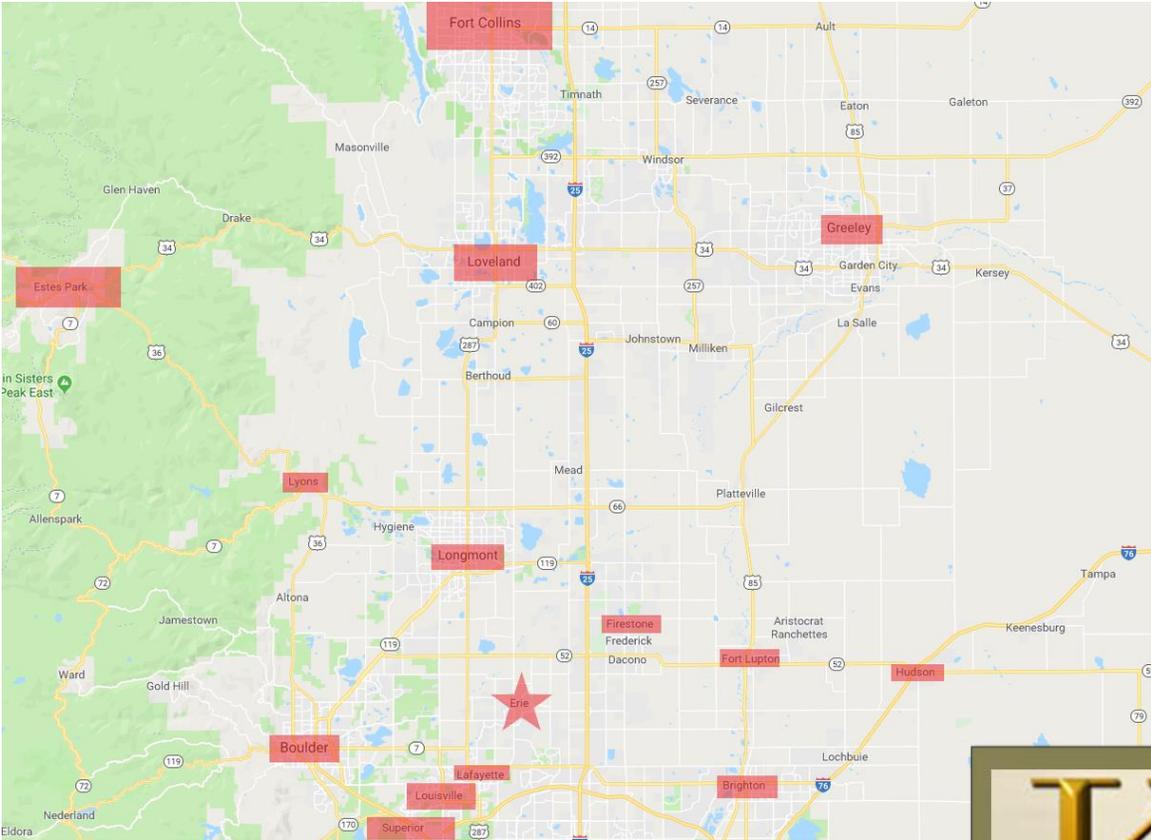
- Internet/cellular data most important telecommunications services purchased by Erie residents
- Satisfaction with current provider is high. Concerned with price, but speed & reliability outrank price in importance
- Price sensitivity would make >\$70/mo gigabit or >\$100 connection fee a risk for any new provider
- Traditional TV is waning in popularity relative to internet streaming. Bundling services no longer as important. But any provider-partners should know TV is not obsolete/may still be needed as a service to help drive subscription rates.
- Business options for small businesses in Erie are lacking in price sensitivity and bandwidth availability
- Residents strongly support Town having a role in solving broadband challenges in Erie

# Vantage Point Report: Feasibility Key Findings and Report Recommendations

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- 1. Do not move forward with a FTTP network model to build to all homes and business
- 2. Consider building middle-mile network to serve Town facilities and/or anchor institutions and/or be leveraged by providers to build out to under-served areas
- 3. Consider partial FTTP network model to serve under-served neighborhoods, but 1st explore establishing a PPP with a private provider for a Partial FTTP Network that includes middle-mile and Enhanced WiFi for Historic Business District & Coal Creek Park before committing Town funds for any portion of the above network options.
- 4. Consider commissioning an RF Feasibility Study to determine if the Town should invest in towers or wireless infrastructure for cellular carriers to improve cell service in Erie.

# Municipalities with SB 152 Approvals



# Questions

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Kissinger & Fellman, P.C.

Gabrielle A. Daley, Esq.

[gabrielle@kandf.com](mailto:gabrielle@kandf.com)

Kenneth S. Fellman, Esq.

[kfellman@kandf.com](mailto:kfellman@kandf.com)

303-320-6100

