



August 27, 2015

Governor Jerry Brown
State Capitol
Sacramento, CA 95814

AB 57 (Quirk) – Request for Veto

Dear Governor Brown,

The City of Encinitas opposes AB 57 (Quirk), which would unnecessarily impact the city's authority to regulate the placement of certain wireless telecommunications facilities, and respectfully requests your veto on the measure. AB 57 goes beyond the requirements of federal law and regulations by deeming approved any application for collocation or siting of new wireless facilities if our city does not approve or disapprove the application within the timelines required by the Federal Communications Commission.

In 2009, the Federal Communications Commission (FCC) adopted rules that require local governments to review and act on applications for the establishment of wireless communications structures. Under that ruling, cities have 90 days to review collocation applications, and 150 days for other siting applications. If cities do not act in this timeframe, an applicant can bring action in court. During the rulemaking, wireless carriers requested that the FCC adopt the deemed approved requirements but the FCC rightly refused. The issue was raised again in 2014 when the FCC reviewed requirements under a new federal rule, known as the 6409 rule, regarding what is considered a "substantial modification". Again, the FCC refused to issue a deemed approved rule. We see no reason the California legislature should add a "deemed approved" clause considering the federal regulating authority thinks it not necessary. This is an attempt to wrest land use control from local jurisdictions.

For the above reasons, the City of Encinitas is opposed to AB 57 (Quirk) Telecommunications. Should you have any questions or concerns regarding our opposition and request for your veto on the measure please contact me at 916.441.0202.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Clay', is written over a light blue horizontal line.

Jonathan Clay
Legislative Representative