

[Second Reprint]

**SENATE, No. 2674**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED JULY 6, 2020

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**SYNOPSIS**

Provides for uniform regulation of small wireless facility deployment in this State.

**CURRENT VERSION OF TEXT**

As amended by the Senate on June 21, 2021.



**(Sponsorship Updated As Of: 1/6/2022)**

1 AN ACT concerning deployment of small wireless facilities and  
 2 supplementing Title 40 of the Revised Statutes.

3  
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 5 *of New Jersey:*

6  
 7 1. The Legislature finds and declares that:

8 a. The deployment of small wireless facilities and other next-  
 9 generation wireless and broadband network facilities is a matter of  
 10 federal and statewide concern and interest;

11 b. Wireless and broadband products and services are a significant  
 12 and continually growing part of the State's economy and encouraging  
 13 the development of strong and robust wireless and broadband  
 14 communications networks throughout the State is integral to the  
 15 State's economic competitiveness;

16 c. Rapid deployment of small wireless facilities will serve  
 17 important Statewide goals, such as: meeting the growing consumer  
 18 demand for wireless data; increasing competitive options for  
 19 communications services available to the State's residents; promoting  
 20 the ability of the State's residents to communicate with their neighbors  
 21 and with their State and local governments; and promoting public  
 22 safety;

23 d. Small wireless facilities, including facilities commonly referred  
 24 to as small cells and distributed antenna systems, are 'most cost-  
 25 effective for a wireless service provider when' deployed '[most  
 26 effectively]' in '[right-of-way] rights-of-way';

27 e. To meet the key objectives of federal law and  
 28 P.L. , c. (C. ) (pending before the Legislature as this bill),  
 29 wireless providers '[need to have] must be granted' access to '[the  
 30 right-of-way] rights-of-way' and 'have' the ability to attach to  
 31 infrastructure in '[the right-of-way] rights-of-way on a competitively  
 32 neutral basis' to densify wireless networks and to provide next-  
 33 generation wireless services;

34 f. Rates and fees for the permitting and deployment of small  
 35 wireless facilities in '[right-of-way] rights-of-way' and on authority  
 36 infrastructure, including utility poles, throughout the State, consistent  
 37 with federal law, is reasonable and will encourage the development of  
 38 robust next-generation wireless and broadband networks for the  
 39 benefit of residents throughout the State;

40 <sup>1</sup>g. Authorities actively manage rights-of-way, acting as trustees of  
 41 this limited public asset, to protect residents' safety, preserve the  
 42 character of communities, and maintain availability for current and  
 43 future uses;<sup>1</sup> and

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEG committee amendments adopted June 15, 2021.

<sup>2</sup>Senate floor amendments adopted June 21, 2021.

1       <sup>1</sup>**[g.] h.**<sup>1</sup> The procedures, rates, and fees established in P.L.     , c.  
 2 (C.       ) (pending before the Legislature as this bill) should be  
 3 consistent with federal law and are fair, reasonable, and further the  
 4 State's interest in facilitating and supporting a robust, reliable, and  
 5 technologically-advanced wireless and broadband network and reflect  
 6 a balancing of the interests of the wireless providers deploying new  
 7 small wireless facilities and the interests of authorities in <sup>1</sup>managing  
 8 and<sup>1</sup> recovering the cost of managing <sup>1</sup>**[access to the right-of-way]**  
 9 the rights-of-way<sup>1</sup>.

10

11       2. As used in P.L.     , c.     (C.       ) (pending before the  
 12 Legislature as this bill):

13       "Antenna" means an apparatus designed for the purpose of  
 14 emitting radio frequency, to be operated or operating from a fixed  
 15 location pursuant to Federal Communications Commission  
 16 authorization, for the provision of personal wireless service and any  
 17 commingled information services. <sup>1</sup>**[“Antenna” shall not include an**  
 18 **unintentional radiator, mobile station, or device authorized pursuant**  
 19 **to 47 C.F.R. Part 15.]**<sup>1</sup>

20       “Antenna equipment” means equipment, switches, wiring,  
 21 cabling, power sources, shelters, or cabinets associated with an  
 22 antenna, located at the same fixed location as the antenna, and,  
 23 when collocated on a structure, is mounted or installed at the same  
 24 time as the antenna.

25       “Antenna facility” means an antenna and associated antenna  
 26 equipment. <sup>2</sup>**[<sup>1</sup>Antenna facility]** “Antenna facility”<sup>2</sup> includes small  
 27 wireless facilities. <sup>2</sup>[An antenna facility] “Antenna facility”<sup>2</sup> shall  
 28 not include:

29       a. the structure or improvements on, under, or within which the  
 30 equipment is located;

31       b. wireline backhaul facilities; or

32       c. coaxial or fiber optic cables that are not immediately adjacent  
 33 to or directly associated with a particular antenna.<sup>1</sup>

34       “Applicable codes” means uniform building, fire, electrical,  
 35 plumbing, or mechanical codes adopted by the Commissioner of the  
 36 Department of Community Affairs pursuant to P.L.1975, c.217  
 37 (C.52:27D-119 et seq.) <sup>1</sup>, or authority amendments to those codes  
 38 that are of general application<sup>1</sup> and are consistent with P.L.     , c.  
 39 (C.       ) (pending before the Legislature as this bill).

40       "Applicant" means any person who submits an application and is  
 41 a wireless provider.

42       "Application" means a request submitted by an applicant to an  
 43 authority for a permit to: collocate a small wireless facility; install,  
 44 modify, or replace a pole on which a small wireless facility will be  
 45 collocated, mounted, or installed; mount or install a small wireless  
 46 facility on a new or replacement pole; or install associated antenna

1 equipment adjacent to a structure on which a small wireless facility  
2 is or will be collocated, mounted, or installed.

3 "Authority" means **'[a] the State and any'** unit of local  
4 government, and any board, commission, committee, authority,  
5 agency, office, officer, or employee thereof, which has jurisdiction  
6 and control over the use of a **'[public]'** right-of-way for the  
7 placement of a wireless facility within the **'[public]'** right-of-way  
8 or has zoning or land use control for the placement of a wireless  
9 facility not within a **'[public]'** right-of-way. "Authority" shall not  
10 mean a State court having jurisdiction over an authority.

11 "Authority pole" means a pole or utility pole owned or operated  
12 by an authority in a **'[public]'** right-of-way.

13 "Collocate" or "collocation" means: mounting or installing an  
14 antenna facility on a pre-existing structure; or modifying a structure  
15 for the purpose of mounting or installing an antenna facility on that  
16 structure.

17 "Communications facility" means the equipment and network  
18 components that provide communications services, including wires,  
19 cables, and associated facilities used by: a cable operator, as  
20 defined in 47 U.S.C. s.522; a telecommunications carrier, as defined  
21 in 47 U.S.C. s.153; a provider of an information service, as defined  
22 in 47 U.S.C. s.153; or a wireless service provider, as defined  
23 pursuant to this section.

24 "Communications service" means: cable service, as defined  
25 pursuant to 47 U.S.C. s.522, as amended; information service, as  
26 defined pursuant to 47 U.S.C. s.153, as amended;  
27 telecommunications service, as defined in 47 U.S.C. s.153, as  
28 amended; mobile service, as defined pursuant to 47 U.S.C. s.153, as  
29 amended; or wireless service other than mobile service.

30 "Communications service provider" means: a cable operator, as  
31 defined pursuant to 47 U.S.C. s.522, as amended; a provider of  
32 information service, as defined pursuant to **'[24 of]'** 47 U.S.C.  
33 s.153, as amended; a telecommunications carrier, as defined  
34 pursuant to 47 U.S.C. s.153, as amended; or a wireless service  
35 provider as defined pursuant to this section.

36 "Decorative pole" means an authority pole **'1, or a pole that is**  
37 **subsidized by an authority.'**<sup>1</sup> that is specially designed and placed  
38 for aesthetic purposes **'[and on which no appurtenances or**  
39 **attachments, other than a small wireless facility, lighting, specially**  
40 **designed informational or directional signage, or temporary holiday**  
41 **or special event attachments, have been placed or are permitted to**  
42 **be placed according to non-discriminatory authority rules or**  
43 **codes]'**<sup>1</sup>.

44 "Facility" means an antenna facility or a structure that is used for  
45 the provision of personal wireless service, whether the personal  
46 wireless service is provided on a stand-alone basis or comingled  
47 with other wireless communications services.

1 "FCC" means the Federal Communications Commission of the  
2 United States.

3 "Fee" means a one-time, nonrecurring charge.

4 "Historic district" or "historic landmark" means a building,  
5 property, or site, or group of buildings, properties, or sites that are  
6 either:

7 a. listed on the National Register of Historic Places or formally  
8 determined eligible for listing by the keeper of the National  
9 Register of Historic Places, the individual who has been delegated  
10 the authority by the federal agency to list properties and determine  
11 their eligibility for the National Register of Historic Places,  
12 pursuant to 47 C.F.R. Part 1, Appendix C; or

13 b. **'[Listed] listed'** on the New Jersey Register of Historic  
14 Places **'or identified in an authority's master plan adopted pursuant**  
15 **to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-**  
16 **1 et seq.)'**.

17 "Law" means a federal or State statute, common law, code, rule,  
18 regulation, order, or local ordinance, or resolution.

19 "Make-ready work" means the process of ensuring that an  
20 authority pole is in suitable condition to receive a small wireless  
21 facility and associated antenna equipment.

22 "Micro wireless facility" means an antenna facility that is not  
23 larger in dimension than 24 inches in length, 15 inches in width,  
24 and 12 inches in height, and that has an exterior antenna, if any, no  
25 longer than 11 inches.

26 "Permit" means **'an'** authorization **'[, written or otherwise,]'**  
27 required by an authority to perform an action or initiate, continue,  
28 or complete a project for the deployment of antenna facilities at a  
29 specified location in a right-of-way.

30 "Person" means an individual, corporation, limited liability  
31 company, partnership, association, trust, or other entity or  
32 organization, including an authority.

33 "Personal wireless service" means "commercial mobile service,"  
34 "unlicensed wireless services," and "common carrier wireless  
35 exchange access services," as those terms are defined pursuant to 47  
36 U.S.C. s.332, **'[and]'** "commercial mobile data service," as defined  
37 pursuant to 47 U.S.C. s.1401 **'[, and information service provided**  
38 **through wireless fidelity or similar technologies utilizing unlicensed**  
39 **spectrum'**.

40 "Pole" means a pole in the right-of-way that is or may be used in  
41 whole or in part by or for wireline communications, electric  
42 distribution, lighting, traffic control, signage, or a similar function,  
43 or for the collocation of small wireless facilities. "Pole" shall not  
44 mean a: tower, either guyed or self-supporting, built for the sole or  
45 primary purpose of supporting wireless equipment other than a  
46 small wireless facility; building; billboard; or electric transmission  
47 structure.

1       “Public utility” shall have the same meaning as provided in  
2 R.S.48:2-13.

3       "Rate" means a recurring charge.

4       "Right-of-way" means the area on, below, or above a public  
5 roadway, highway, street, public sidewalk, alley, or utility easement  
6 dedicated for compatible use, but shall not include a federal  
7 interstate highway.

8       "Small wireless facility" means a facility that meets each of the  
9 following conditions: the facility is mounted on a structure 50 feet  
10 or less in height, including the antenna or is mounted on a structure  
11 no more than 10 percent taller than other adjacent structures or does  
12 not extend existing structures on which they are located to a height  
13 of more than 50 feet or by more than 10 percent, whichever is  
14 greater; each antenna associated with the deployment, excluding  
15 associated antenna equipment, is no more than three cubic feet in  
16 volume; all other wireless equipment associated with the structure,  
17 including wireless equipment associated with the antenna and any  
18 pre-existing associated <sup>1</sup>antenna<sup>1</sup> equipment on the structure, is no  
19 more than 28 cubic feet in volume; the facility does not require  
20 antenna structure registration under 47 C.F.R. Part 17; the facility is  
21 not located on tribal lands, as defined pursuant to 36 C.F.R.  
22 s.800.16; and the facility does not result in human exposure to radio  
23 frequency in excess of the applicable safety standards specified  
24 pursuant <sup>1</sup>to<sup>1</sup> 47 C.F.R. s.1.1307.

25       “Structure” means a pole, tower, base station, as defined  
26 pursuant <sup>1</sup>to<sup>1</sup> 47 C.F.R. s.1.6100, or other building, whether or not  
27 it has an existing antenna facility, which is used or is to be used for  
28 the provision of personal wireless service.

29       “Technically feasible” means that, by virtue of engineering or  
30 spectrum usage, the proposed placement for a small wireless  
31 facility, or its design, concealment measures, or site location can be  
32 implemented without a <sup>1</sup>material<sup>1</sup> reduction in the functionality of  
33 the small wireless facility.

34       “Tower” shall have the same meaning as defined pursuant to 47  
35 C.F.R. <sup>1</sup>s.<sup>1</sup>1.6100.

36       "Wireless infrastructure provider" means any person, including a  
37 person authorized to provide telecommunications service in the  
38 State, that builds or installs facilities for the provision of wireless  
39 service, but that is not a wireless service provider.

40       "Wireless provider" means a wireless infrastructure provider or a  
41 wireless service provider.

42       "Wireless service" means any services provided to the general  
43 public and made available on a non-discriminatory basis using  
44 licensed or unlicensed spectrum, whether at a fixed location or  
45 mobile, provided using <sup>1</sup>**【wireless facilities】** an antenna facility<sup>1</sup>.

46       "Wireless service provider" means a person who provides  
47 wireless services.

1 "Wireline backhaul facility" means <sup>1</sup>~~["an above-ground or~~  
2 underground wireline facility used to transport communications  
3 data or other electric communications from an antenna facility to a  
4 communications network~~"] a physical transmission path, all or part~~  
5 ~~of which is within the right-of-way, used for the transport of~~  
6 ~~communications services or other electronic communications by~~  
7 ~~wire from an antenna facility to a communications network~~<sup>1</sup>.

8  
9 3. a. An authority may not enter into an exclusive arrangement  
10 with any person or entity for the use of the right-of-way for:

- 11 (1) <sup>1</sup>~~the~~ collocation of a small wireless facility;  
12 (2) the mounting or installation of a small wireless facility on new  
13 or replacement poles;  
14 (3) the installation of associated antenna equipment adjacent to a  
15 structure on which a small wireless facility is or will be collocated,  
16 mounted, or installed; or  
17 (4) the installation, operation, marketing, modification,  
18 maintenance, or replacement of associated poles.

19 b. Subject to the provisions of this section, a wireless provider  
20 shall have the right, as a permitted use not subject to zoning review or  
21 approval, and without the need for <sup>1</sup>~~["municipal"] authority~~<sup>1</sup> consent,  
22 <sup>1</sup>~~["pursuant to R.S.48:3-19,"]~~<sup>1</sup> to:

- 23 (1) collocate small wireless facilities;  
24 (2) mount or install small wireless facilities on new or replacement  
25 poles;  
26 (3) install associated antenna equipment adjacent to a structure on  
27 which a small wireless facility is or will be collocated, mounted, or  
28 installed; or  
29 (4) install, modify, or replace its own poles, or, with the  
30 permission of the owner, a third party's poles, associated with a small  
31 wireless facility, along, across, upon, and under the right-of-way.

32 Small wireless facilities, antenna equipment, and poles collocated  
33 or installed pursuant to this section shall be installed and maintained as  
34 not to obstruct or hinder the usual travel or public safety in a right-of-  
35 way or obstruct the legal use of a right-of-way by a public utility.  
36 <sup>1</sup>Construction and maintenance by wireless providers shall comply  
37 with the National Electrical Safety Code, published by the Institute of  
38 Electrical and Electronics Engineers, and all applicable laws and  
39 regulations for the protection of underground and overhead public  
40 utility facilities.<sup>1</sup>

41  
42 4. a. A new, replaced, or modified pole installed in a right-of-  
43 way after the effective date of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill) for the purpose of collocating,  
45 mounting, or installing a small wireless facility shall not exceed 50  
46 feet in height above ground level or <sup>1</sup>~~["ten"] 10~~<sup>1</sup> percent taller than  
47 the tallest existing pole in place as of the effective date of P.L. , c.

(C. ) (pending before the Legislature as this bill) in the same right-of-way within 500 feet of the new, replaced, or modified pole, whichever is greater.

b. A new small wireless facility installed in a right-of-way after the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) may not extend more than 10 percent above the existing structure on which they are located or 50 feet above ground level, whichever is greater.

c. A wireless provider shall have the right to collocate, mount, or install a small wireless facility and install, maintain, modify, and replace a pole that exceeds the height limits pursuant to subsections a. and b. of this section along, across, upon, and under the right-of-way, subject to section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill) and applicable zoning regulations.

<sup>1</sup>d. A wireless provider shall not apply to install a new pole unless it has determined after diligent investigation that it cannot meet its <sup>2</sup>[wireless]<sup>2</sup> service objectives by collocating on <sup>2</sup>[a pre-existing]<sup>2</sup> an existing<sup>2</sup> pole or other structure on which:

(1) the wireless provider has the right to collocate subject to reasonable terms and conditions, including the right to <sup>2</sup>pole<sup>2</sup> mount antenna equipment <sup>2</sup>[on a pre-existing pole]<sup>2</sup>; and

(2) that collocation would not impose technical limitations or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for that determination.

e. For applications for new poles in the right-of-way in areas zoned for residential use, the authority may propose an alternate location in the right-of-way within 100 feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made the determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for that determination.<sup>1</sup>

5. a. An authority may adopt aesthetics requirements governing the deployment of small wireless facilities and associated antenna equipment and poles in a right-of-way, <sup>1</sup>which may include pre-approved designs for new poles in specified areas,<sup>1</sup> subject to the following:

(1) the aesthetic requirements shall be reasonable, in that they are technically feasible and reasonably directed at avoiding or remedying unsightly or out-of-character deployments, are no more burdensome than those applied to <sup>1</sup>[other types of] functionally equivalent<sup>1</sup> infrastructure deployments, and are <sup>1</sup>[objective and]<sup>1</sup> published in advance;



(2) any design or concealment measures are not considered a part of the small wireless facility for purposes of the size parameters in the definition of small wireless facility; <sup>1</sup>and<sup>1</sup>

(3) an authority may deny an application for not complying with an aesthetic requirement only if the authority finds that the denial does not prohibit or have the effect of prohibiting the provision of wireless service <sup>1</sup>[;].<sup>1</sup>

b. Aesthetic requirements applicable to deployment of small wireless facilities on decorative poles and in historic districts shall, in addition to the requirements of subsection a. of this section, comply with the following:

(1) a wireless provider shall be permitted to collocate small wireless facilities on, <sup>1</sup>or<sup>1</sup> modify <sup>1</sup>[.].<sup>1</sup> or replace <sup>1</sup>,<sup>1</sup> decorative poles when necessary to deploy a small wireless facility <sup>1</sup>[. An]., provided that an<sup>1</sup> authority may require the collocation or decorative pole replacement to reasonably conform to the design aesthetics of the original decorative pole or poles <sup>1</sup>[.], provided the aesthetic requirements are technically feasible<sup>1</sup>.

(2) an authority may adopt aesthetic requirements applicable in historic districts that comply with this section.

6. a. A wireless provider shall comply with undergrounding requirements that are consistent with subsection a. of section 5 of P.L. , c. (C. ) (pending before the Legislature as this bill) when:

(1) the authority has required all electric and telecommunications lines to be placed underground by a date certain that is three months prior to the submission of the application;

(2) a pole the authority allows to remain shall be made available to wireless providers for the collocation of small wireless facilities, and a pole may be modified or replaced by a wireless provider to accommodate the collocation, mounting, or installation of small wireless facilities, in compliance with P.L. , c. (C. ) (pending before the Legislature as this bill); and

(3) <sup>1</sup>subject to the application process established pursuant to section 11 of P.L. , c. (C. ) (pending before the Legislature as this bill),<sup>1</sup> a wireless provider may install a new pole in the designated area that otherwise complies with P.L. , c. (C. ) (pending before the Legislature as this bill) when the wireless provider is not able to provide wireless service by collocating on a remaining structure.

b. For small wireless facilities installed before an authority adopts requirements that electric and telecommunications lines be placed underground, an authority adopting these requirements shall permit:

(1) a wireless provider to maintain the small wireless facilities in place on any pole not required to be removed, subject to any applicable pole attachment agreement with the pole owner; or

1 (2) a wireless provider to replace an existing pole within 50 feet of  
2 the prior location.

3  
4 7. ~~1~~ **1** ~~["The authority may require a"]~~ A<sup>1</sup> wireless provider ~~1~~ **1** ~~["to"]~~  
5 shall<sup>1</sup> repair all damage to a right-of-way caused by the activities of  
6 the wireless provider and ~~1~~ **1** ~~["to"]~~ return the right-of-way to its  
7 functional ~~1~~ and aesthetic<sup>1</sup> equivalence before the damage, pursuant to  
8 the competitively neutral, reasonable requirements and specifications  
9 of the authority. If the wireless provider fails to make the repairs  
10 required by the authority within a reasonable time after written notice,  
11 the authority may make those repairs and charge the applicable party  
12 the reasonable, documented cost of the repairs.

13  
14 8. A wireless provider shall not be required to replace or  
15 upgrade an existing pole except for reasons of structural necessity  
16 or compliance with applicable codes. A wireless provider may, with  
17 the permission of the pole owner, replace or modify the existing  
18 pole, but any replacement or modification shall be consistent with  
19 the design aesthetics of the pole being modified or replaced.

20  
21 9. A wireless provider ~~1~~ **1** ~~["is required to"]~~ shall<sup>1</sup> notify the authority  
22 at least 30 days before the abandonment of a small wireless facility.  
23 Following receipt of the notice, the authority shall direct the wireless  
24 provider to remove all or any portion of the small wireless facility and  
25 associated antenna equipment that the authority determines would be  
26 in the best interest of ~~1~~ the<sup>1</sup> public ~~1~~ **1** ~~["safety"]~~<sup>1</sup>. If the wireless provider  
27 fails to remove the abandoned small wireless facility within 90 days  
28 after the notice, the authority may undertake to remove the small  
29 wireless facility and recover the actual and reasonable expenses of the  
30 removal from the wireless provider, its successors, or assigns.

31  
32 10. Except as provided in P.L. , c. (C. ) (pending before  
33 the Legislature as this bill), an authority may not prohibit, regulate,  
34 or charge for the collocation, mounting, or installation of a small  
35 wireless facility on a new, modified, or replacement pole, or the  
36 installation, modification, or replacement of an associated pole or  
37 antenna equipment that may be permitted in P.L. , c. (C. )  
38 (pending before the Legislature as this bill).

39  
40 11. a. An authority may require an applicant to obtain a permit  
41 for:

42 (1) the collocation of a small wireless facility not subject to the  
43 provisions of P.L.2011, c.199 (C.40:55D-46.2);

44 (2) ~~1~~ the<sup>1</sup> mounting or installation of a small wireless facility on a  
45 new, modified, or replacement pole; or

(3) the installation, modification, or replacement of <sup>1</sup>an associated<sup>1</sup> a<sup>1</sup> pole or antenna equipment as provided in section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill).

Each permit issued pursuant to this section shall be of general applicability and shall not apply exclusively to a small wireless facility. Only one application shall be required for all activities associated with a permit issued pursuant to this section.

b. An authority shall receive and process applications subject to the following requirements:

(1) small wireless facilities shall be classified as permitted uses and not subject to zoning review or approval if they are located in the right-of-way in any zone;

(2) an authority may not directly or indirectly require an applicant to perform services or provide goods unrelated to the permit, such as in-kind contributions to the authority including, but not limited to, reserving fiber, conduit, or pole space for the authority;

(3) an applicant shall not be required to provide additional information to obtain a permit than communications service providers that are not wireless providers, provided that an applicant may be required to include construction and engineering drawings and information demonstrating compliance with the criteria in paragraph (9) of this subsection;

(4) an authority may not require:

(a) the collocation, mounting, or installation of a small wireless facility on any specific pole or category of poles or require multiple antenna facilities on a single pole;

(b) the use of specific pole types or configurations when installing a new or replacement pole; or

(c) the underground placement of a small wireless facility or antenna equipment that is or are designated in an application to be pole-mounted or ground-mounted <sup>1</sup>, provided that an authority may:

(i) require, pursuant to section 6 of P.L. , c. (C. ) (pending before the Legislature as this bill), that a wireless provider place underground fiber that is part of a small wireless facility and not in or on a pole; or

(ii) prohibit, pursuant to section 6 of P.L. , c. (C. ) (pending before the Legislature as this bill), ground-mounted antenna equipment<sup>1</sup>;

(5) <sup>1</sup>subject to the provisions of subparagraph (d) of paragraph (9) of subsection b. of this section,<sup>1</sup> an authority may not limit the collocation of a small wireless facility or the mounting or installation of a small wireless facility on a new <sup>1</sup>[, modified,<sup>1</sup>] or replacement pole by minimum horizontal separation distance requirements from an existing small wireless facility <sup>1</sup>[or structure]<sup>1</sup>;

(6) the authority may require an applicant to include an attestation that the small wireless facility <sup>1</sup>[will] shall<sup>1</sup> be operational for use by a wireless service provider within one year after the permit issuance

1 date, unless the authority and the applicant agree to extend this period  
2 or a delay is caused by lack of commercial power, communications  
3 **1[transport]1** facilities to the site, or any other factors outside of the  
4 applicant's control;

5 (7) within **1[ten] 10**<sup>1</sup> days of receiving an application, an authority  
6 shall determine and notify the applicant in writing whether the  
7 application is complete. If an application is incomplete, an authority  
8 shall specifically identify the missing information in writing. The  
9 processing deadline provided in paragraph (8) of this subsection shall  
10 restart on the date the applicant provides the missing information to  
11 complete the application;

12 (8) an authority shall process an application in a non-  
13 discriminatory manner and the application shall be deemed approved if  
14 the authority fails to approve or deny the application within:

15 (a) 60 days of receipt of an application for a permit involving  
16 collocation of a small wireless facility using an existing structure; and

17 (b) 90 days for an application for a permit involving deployment of  
18 a small wireless facility using a new or replacement pole.

19 **1If an authority provides written notification to the applicant within**  
20 **10 days of receiving an application certifying that it is experiencing an**  
21 **unusually high overall level of permitting activity or other**  
22 **circumstances beyond the authority's control that prevents the**  
23 **authority from reviewing and processing the application by the**  
24 **deadline, the processing deadline may be extended automatically for**  
25 **up to 30 days.**<sup>1</sup>

26 The processing deadline may be tolled by agreement of the  
27 applicant and the authority;

28 (9) an authority may deny the application for collocation,  
29 mounting, or installation of a small wireless facility on a new or  
30 replacement pole, or the installation or replacement of an associated  
31 pole or antenna equipment that meets the requirements in section 4 of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill), if  
33 the authority finds that the proposed work:

34 (a) **1[materially]1** interferes with the safe operation of traffic  
35 control equipment;

36 (b) **1[materially]1** interferes with sight lines or clear zones for  
37 transportation or pedestrians;

38 (c) **1[materially]1** interferes with compliance with the federal  
39 "Americans with Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.),  
40 or similar federal or State standards regarding pedestrian access or  
41 movement;

42 (d) fails to comply with reasonable and non-discriminatory  
43 horizontal spacing requirements of general application adopted by  
44 ordinance that concern the location of ground-mounted antenna  
45 equipment and new poles and which shall not prevent a wireless  
46 provider from serving any location;

1 (e) <sup>1</sup>designates the location of a new pole for the purpose of  
2 mounting or installing a small wireless facility within seven feet in any  
3 direction of an electrical conductor, unless the wireless provider  
4 obtains the written consent of the public utility that owns or manages  
5 the electrical conductor;

6 (f) <sup>1</sup> fails to comply with applicable codes; or

7 <sup>1</sup>[(g)] (f) <sup>1</sup> fails to comply with sections 4, 5, or 6 of P.L. , c.  
8 (C. ) (pending before the Legislature as this bill);

9 (10) the authority shall document the basis for an application  
10 denial, including the specific code, rule, or statutory provisions on  
11 which the denial was based, and send the documentation to the  
12 applicant on or before the day the authority denies an application. The  
13 applicant may cure the deficiencies identified by the authority and  
14 resubmit the application within 30 days of the denial without paying  
15 an additional application fee. The authority shall approve or deny the  
16 revised application within 30 days of resubmission and limit its review  
17 to the deficiencies cited in the denial;

18 (11) an applicant seeking to collocate, mount, or install more than  
19 one small wireless facility within the jurisdiction of a single authority  
20 may file a consolidated application for small wireless facilities and  
21 associated poles and antenna equipment and receive a single permit for  
22 the collocation, mounting, or installation of <sup>1</sup>multiple up to 25<sup>1</sup>  
23 small wireless facilities and the placement of associated poles and  
24 antenna equipment <sup>1</sup>[:];<sup>1</sup> provided <sup>1</sup>[:], however,] that all small  
25 wireless facilities within the consolidated application are substantially  
26 the same type and proposed for collocation on substantially the same  
27 types of structures;

28 (12) an applicant shall not file within a 60-day period, three  
29 consolidated applications; or multiple applications that collectively  
30 seek permits for a combined total of more than 75 small wireless  
31 facilities and associated poles and antenna equipment;

32 (13)<sup>1</sup> the denial of one or more small wireless facilities in a  
33 consolidated application shall not delay processing of any other small  
34 wireless facilities, poles, or antenna equipment in the same  
35 consolidated application. A consolidated application shall be  
36 collectively processed in accordance with the procedures in this  
37 section. A consolidated application that includes a new or replacement  
38 pole deployment shall be subject to a 90-day timeframe for approval;

39 <sup>1</sup>[(12)] (14)<sup>1</sup> installations, mountings, modifications,  
40 replacements, and collocations for which a permit is granted pursuant  
41 to this section shall be completed by the applicant within one year after  
42 the permit issuance date unless the authority and the applicant agree to  
43 extend this period, or a delay is caused by the lack of commercial  
44 power or communications facilities at the site <sup>1</sup>[:];<sup>1</sup>

45 <sup>1</sup>[(13)] (15)<sup>1</sup> approval of an application authorizes the applicant  
46 to:

1 (a) undertake the installation, modification, replacement or  
2 collocation of the approved small wireless facility and any associated  
3 pole and antenna equipment; and

4 (b) subject to applicable relocation requirements and the  
5 applicant's right to terminate at any time, operate and maintain the  
6 small wireless facility and any associated pole and antenna equipment  
7 covered by the permit for a period of not less than 10 years, which  
8 must be renewed for equivalent durations so long as the facilities  
9 comply with the criteria set forth in paragraph (9) of this subsection;

10 <sup>1</sup>[(13)] (16)<sup>1</sup> an authority may not institute, either expressly or de  
11 facto, a moratorium on:

12 (a) filing, receiving, or processing applications; or

13 (b) issuing permits or other required approvals, if any, for the  
14 collocation, mounting, or installing of a small wireless facility or the  
15 installation, modification, or replacement of associated antenna  
16 equipment or poles.

17 <sup>1</sup>If the State or another authority has declared an emergency and  
18 the State or another authority institutes a temporary moratorium that is  
19 generally applicable and competitively neutral, is necessary to address  
20 the emergency, disaster, or related public safety needs within the  
21 authority's jurisdiction, is targeted to those geographic areas that are  
22 affected by the disaster or emergency, and applies only for the duration  
23 of declaration of emergency, then the provisions of subparagraphs (a)  
24 and (b) of this paragraph shall not apply.<sup>1</sup>

25 c. An authority shall not require an application for:

26 (1) routine maintenance;

27 (2) the replacement of a small wireless facility or antenna  
28 equipment <sup>1</sup>[with a] , provided the replacement<sup>1</sup> small wireless  
29 facility or antenna equipment <sup>1</sup>[that]<sup>1</sup> is substantially similar <sup>1</sup>to<sup>1</sup> or  
30 the same size <sup>1</sup>as<sup>1</sup> or smaller <sup>1</sup>[as the replacement]<sup>1</sup> than the original  
31 small wireless facility or antenna equipment and continues to meet all  
32 other requirements of the original permit<sup>1</sup>; or

33 (3) the installation, placement, maintenance, operation, or  
34 replacement of a micro wireless facility that is suspended on cables  
35 that are strung between existing poles, in compliance with the  
36 applicable codes.

37 An authority may require a permit for work pursuant to subsection  
38 a. of this section that requires excavation or closure of sidewalks or  
39 vehicular lanes within the right-of-way and the permit shall be issued  
40 to the applicant on a non-discriminatory basis upon terms and  
41 conditions applied to any other person's activities in the right-of-way  
42 that require excavation, closing of sidewalks, or vehicular lanes.

43  
44 12. A person owning, managing, or controlling an authority pole  
45 in the right-of-way may not enter into an exclusive arrangement  
46 with any person for the right to attach to the pole. A person who  
47 purchases or otherwise acquires an authority pole is subject to the

1 requirements of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill).

3  
4 13. An authority shall allow the collocation of a small wireless  
5 facility and the installation of associated antenna equipment on an  
6 existing authority pole, <sup>1</sup>and<sup>1</sup> the mounting or installation of a small  
7 wireless facility and the installation of associated antenna equipment  
8 on a replacement authority <sup>1</sup>[poles] pole,<sup>1</sup> on non-discriminatory  
9 terms and conditions using the standards in section 5 of P.L. , c.  
10 (C. ) (pending before the Legislature as this bill) and the  
11 application requirements in section 11 of P.L. , c. (C. )  
12 (pending before the Legislature as this bill).

13  
14 14. a. The rates, fees, and terms and conditions for any make-  
15 ready work to collocate, mount, or install a small wireless facility  
16 on an authority pole and to install associated antenna equipment  
17 shall be non-discriminatory, competitively neutral, commercially  
18 reasonable, and shall comply with P.L. , c. (C. ) (pending  
19 before the Legislature as this bill).

20 b. The authority shall provide a good faith estimate for any  
21 make-ready work necessary to enable the authority pole to support  
22 the requested collocation, mounting, or installation by a wireless  
23 provider, including authority pole replacement if necessary, within  
24 60 days after receipt of a complete application. Make-ready work  
25 including any authority pole replacement shall be completed within  
26 60 days of written acceptance of the good faith estimate by the  
27 applicant. An authority may require replacement of the authority  
28 pole only if it demonstrates that the collocation would make the  
29 authority pole structurally unsound.

30 c. The person owning, managing, or controlling the authority  
31 pole shall not require more make-ready work than required to meet  
32 applicable codes or industry standards. Fees for make-ready work  
33 shall not include costs related to pre-existing or prior damage or  
34 noncompliance. Fees for make-ready work, including any pole  
35 replacement, shall not exceed either actual costs or the amount  
36 charged to other communications service providers for similar work  
37 and shall not include any revenue or contingency-based consultant's  
38 fees or expenses.

39  
40 15. a. All rates and fees established pursuant to subsection b. of  
41 this section shall be a reasonable approximation of the authority's  
42 reasonable costs, and shall be applied by the authority in a non-  
43 discriminatory manner. An authority may not require a wireless  
44 provider to pay any rates, fees, or compensation to the authority or  
45 other person other than what is expressly authorized by  
46 P.L. , c. (C. ) (pending before the Legislature as this bill) for  
47 the right to use or occupy the right-of-way for the collocation,  
48 mounting, or installation of a small wireless facility on a pole in the

1 right-of-way, or for the installation, maintenance, modification, or  
2 replacement of associated antenna equipment or a pole in the right-of-  
3 way.

4 b. Application fees for any permit issued pursuant to P.L. , c.  
5 (C. ) (pending before the Legislature as this bill) shall not exceed:

6 (1) \$500 for a single up-front application for collocation of a small  
7 wireless facility that includes up to five small wireless facilities, with  
8 an additional \$100 for each small wireless facility included in the same  
9 application thereafter;

10 (2) \$250 for the modification or replacement of an existing pole,  
11 together with the mounting or installation of an associated small  
12 wireless facility in the right-of-way; <sup>1</sup>and<sup>1</sup>

13 (3) \$1,000 for the installation of a new pole, together with the  
14 mounting or installation of an associated small wireless facility in the  
15 right of way <sup>1</sup>]; and

16 (4) subject to subsection a. of this section, if ].

17 c. Notwithstanding the provisions of any law, rule, regulation, or  
18 order to the contrary,<sup>1</sup> an authority <sup>1</sup>[elects] may elect<sup>1</sup> to charge for  
19 use of the right-of-way or the collocation of a small wireless facility on  
20 an authority pole in the right-of-way, <sup>1</sup>provided, however, that<sup>1</sup> the  
21 rate <sup>1</sup>for that use<sup>1</sup> shall not exceed <sup>1</sup>[\$20] \$200<sup>1</sup> per small wireless  
22 facility per year for right-of-way access and <sup>1</sup>[\$100] \$70<sup>1</sup> per  
23 authority pole per year for a small wireless facility collocated,  
24 mounted, or installed on an authority pole. The rates established  
25 pursuant to this paragraph, together with a one-time application fee,  
26 shall be the total compensation that the wireless provider is required to  
27 pay the authority for the deployment of each small wireless facility in  
28 the right-of-way and any associated antenna equipment or pole.

29  
30 16. a. An authority shall not have or exercise any jurisdiction  
31 or authority over the design, engineering, construction, installation,  
32 or operation of a small wireless facility located in an interior  
33 structure or upon the site of a campus, stadium, or athletic facility  
34 not owned or controlled by the authority, other than to require  
35 compliance with applicable codes.

36 b. Except as it relates to small wireless facilities subject to the  
37 permit and fee requirements established pursuant to  
38 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
39 otherwise specifically authorized by State or federal law, an  
40 authority shall not adopt or enforce any regulations or requirements  
41 on the placement or operation of communications facilities in the  
42 right-of-way by a communications service provider authorized by  
43 federal, State, or local law to operate in a right-of-way, regulate any  
44 communications services, or impose or collect any tax, fee, rate, or  
45 charge for the provision of additional communications service over  
46 the communications service provider's communications facilities in  
47 a right-of-way.



1        17. a. An authority may adopt an ordinance that makes available  
2 to wireless providers rates, fees, and other terms and conditions that  
3 comply with P.L. , c. (C. ) (pending before the Legislature as  
4 this bill). <sup>1</sup>**【Pursuant to the provisions of this section, in】** In<sup>1</sup> the  
5 absence of an ordinance <sup>1</sup>**【that fully complies with**  
6 P.L. , c. (C. ) (pending before the Legislature as this bill) and  
7 until a compliant ordinance is adopted<sup>1</sup>, a wireless provider may  
8 install and operate a small wireless facility and any associated poles  
9 and antenna equipment under the requirements of P.L. , c.  
10 (C. ) (pending before the Legislature as this bill). An authority  
11 may not require a wireless provider to enter into an agreement to  
12 implement P.L. , c. (C. ) (pending before the Legislature as  
13 this bill), but agreements are permissible if voluntary and non-  
14 discriminatory.

15        b. An ordinance or agreement <sup>1</sup>or any provision thereof<sup>1</sup> that does  
16 not <sup>1</sup>**【fully】**<sup>1</sup> comply with P.L. , c. (C. ) (pending before the  
17 Legislature as this bill) shall apply only to small wireless facilities and  
18 any associated poles and antenna equipment that were operational  
19 before the effective date of P.L. , c. (C. ) (pending before the  
20 Legislature as this bill) and shall be deemed invalid and unenforceable  
21 beginning on the 181st day after the effective date of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill)  
23 unless amended to <sup>1</sup>**【fully】**<sup>1</sup> comply with P.L. , c. (C. )  
24 (pending before the Legislature as this bill). If an ordinance or  
25 agreement <sup>1</sup>or any provision thereof<sup>1</sup> is invalid pursuant to this  
26 subsection, small wireless facilities and associated poles and antenna  
27 equipment that became operational before the effective date of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill), pursuant to  
29 the ordinance or agreement, may remain installed and be operated  
30 under the requirements of <sup>1</sup>the remaining valid portions of the  
31 ordinance or agreement or<sup>1</sup> P.L. , c. (C. ) (pending before the  
32 Legislature as this bill) <sup>1</sup>, as applicable<sup>1</sup>.

33        c. <sup>1</sup>**【An】** Any provision of an<sup>1</sup> agreement or ordinance that  
34 applies to small wireless facilities and associated poles and antenna  
35 equipment that becomes operational on or after the effective date of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill) is  
37 invalid and unenforceable unless it <sup>1</sup>**【fully】**<sup>1</sup> complies with P.L. , c.  
38 (C. ) (pending before the Legislature as this bill). In the absence of  
39 an ordinance or agreement that <sup>1</sup>**【fully】**<sup>1</sup> complies with P.L. , c.  
40 (C. ) (pending before the Legislature as this bill), a wireless  
41 provider may install and operate a small wireless facility and  
42 associated poles and antenna equipment in a right-of-way pursuant to  
43 the requirements of <sup>1</sup>the remaining valid portions of the ordinance or  
44 agreement or<sup>1</sup> P.L. , c. (C. ) (pending before the Legislature as  
45 this bill) <sup>1</sup>, as applicable<sup>1</sup>.

1 18. a. An authority may adopt reasonable indemnification,  
2 insurance, and bonding requirements related to a small wireless  
3 facility and associated pole permits and antenna equipment pursuant  
4 to the requirements of this section and section 6 of P.L. , c.  
5 (C. ) (pending before the Legislature as this bill).

6 b. <sup>1</sup>~~【An authority shall not require a wireless provider to~~  
7 ~~indemnify and hold the authority and its officers and employees~~  
8 ~~harmless against any claims, lawsuits, judgments, costs, liens,~~  
9 ~~losses, expenses, or fees, except when a court of competent~~  
10 ~~jurisdiction has found that the negligence of the wireless provider~~  
11 ~~while installing, repairing, or maintaining a small wireless facility~~  
12 ~~or associated poles and antenna equipment caused the harm that~~  
13 ~~created the claims, lawsuits, judgments, costs, liens, losses,~~  
14 ~~expenses, or fees】~~ <sup>2</sup>~~【A】~~ Any<sup>2</sup> wireless provider that owns or  
15 operates small wireless facilities or <sup>2</sup>【public】<sup>2</sup> utility poles in the  
16 right-of-way shall indemnify, protect, defend, and hold the  
17 authority and its elected officials, officers, employees, agents, and  
18 volunteers harmless against any and all claims, lawsuits, judgments,  
19 costs, liens, losses, expenses, fees including reasonable attorney  
20 fees and costs of defense, proceedings, actions, demands, causes of  
21 action, liability, and suits of any kind and nature, including, but not  
22 limited to, personal or bodily injury or death, property damage or  
23 other harm for which recovery of damages is sought, to the extent  
24 that it is caused by the negligence of the wireless provider who  
25 owns or operates small wireless facilities or <sup>2</sup>【public】<sup>2</sup> utility poles  
26 in the right-of-way, any agent, officer, director, representative,  
27 employee, affiliate, or subcontractor of the wireless provider, or  
28 their respective officers, agents, employees, directors, or  
29 representatives while installing, repairing, operating, or maintaining  
30 facilities in rights-of-way<sup>1</sup>.

31 c. <sup>1</sup>~~【An authority may require a wireless provider to have in~~  
32 ~~effect insurance coverage consistent with this section, so long as the~~  
33 ~~authority imposes similar requirements on other right-of-way users~~  
34 ~~and the requirements are reasonable and non-discriminatory.~~

35 (1) An authority may not require a wireless provider to obtain  
36 insurance naming the authority or its officers and employees an  
37 additional insured.

38 (2) An authority may require a wireless provider to furnish  
39 proof of insurance, if required, prior to the effective date of any  
40 permit issued for a small wireless facility work】 Except for a  
41 wireless provider with an existing agreement to occupy and operate  
42 in the rights-of-way, during the period in which the wireless  
43 provider's facilities are located on the <sup>2</sup>【authority's】 authority<sup>2</sup>  
44 improvements or rights-of-way, the authority may require the  
45 wireless provider to carry, at the wireless provider's own cost and  
46 expense, the following insurance:

1     (a) property insurance for its property's replacement cost  
2 against all risks;

3     (b) workers' compensation insurance, as required by law; or

4     (c) commercial general liability insurance with respect to its  
5 activities on the authority improvements or rights-of-way to afford  
6 minimum protection limits consistent with its requirements of other  
7 users of authority improvements or rights-of-way, including  
8 coverage for bodily injury and property damage. An authority may  
9 require a wireless provider to include the authority as an additional  
10 insured on the commercial general liability policy and provide  
11 certification and documentation of inclusion of the authority in a  
12 commercial general liability policy as reasonably required by the  
13 authority.

14     A wireless provider may self-insure all or a portion of the  
15 insurance coverage and limit requirements required by an authority.  
16 A wireless provider that self-insures is not required, to the extent of  
17 the self-insurance, to comply with the requirement for the naming  
18 of additional insureds under this section. A wireless provider that  
19 elects to self-insure shall provide to the authority evidence  
20 sufficient to demonstrate its financial ability to self-insure the  
21 insurance coverage and limits required by the authority<sup>1</sup>.

22     d. <sup>1</sup>【An authority may adopt bonding requirements for small  
23 wireless facilities if the authority imposes similar requirements in  
24 connection with permits issued for other right-of-way users.

25         (1) The purpose of the bonds shall be to:

26         (a) provide for the removal of abandoned or improperly  
27 maintained small wireless facilities, including those that an  
28 authority determines need to be removed to protect public health,  
29 safety, or welfare;

30         (b) restoration of the right-of-way in connection with removals  
31 as provided for in P.L.     , c.     (C.     ) (pending before the  
32 Legislature as this bill); or

33         (c) recoup rates or fees that have not been paid by a wireless  
34 provider in over 12 months, so long as the wireless provider has  
35 received reasonable notice from the authority of any non-  
36 compliance pursuant to P.L.     , c.     (C.     ) (pending before the  
37 Legislature as this bill) and given a reasonable opportunity to cure.

38         (2) Bonding requirements may not exceed \$200 per small  
39 wireless facility. For wireless providers with multiple small  
40 wireless facilities within the jurisdiction of a single authority, the  
41 total bond amount across all facilities may not exceed \$10,000,  
42 which may be combined into one bond instrument】 An authority  
43 may impose reasonable and non-discriminatory requirements for  
44 bonds, escrow deposits, letters of credit, or any other type of  
45 financial surety to ensure removal of abandoned or unused wireless  
46 facilities or damage to the right-of-way or authority property caused  
47 by the wireless provider or its agent<sup>1</sup>.

1        19. a. Nothing in P.L.       , c.        (C.       ) (pending before the  
2        Legislature as this bill) shall be construed to allow any person or  
3        entity to provide cable services regulated pursuant to 47 U.S.C.  
4        s.521 through 47 U.S.C. s.573 without compliance with all laws  
5        applicable to those cable operators, nor shall it be interpreted to  
6        impose any new requirements on cable operators for the provision  
7        of cable service in this State.

8        b. Nothing in P.L.       , c.        (C.       ) (pending before the  
9        Legislature as this bill) shall be construed to allow any entity to  
10       provide communications services without compliance with all laws  
11       applicable to communications service providers, nor shall it be  
12       construed to authorize the collocation, installation, placement,  
13       maintenance, or operation of any communications facility,  
14       including a wireline backhaul facility, in the right-of-way, other  
15       than a small wireless facility.

16       c. Nothing in P.L.      , c.       (C.      ) (pending before the  
17       Legislature as this bill) shall authorize the State or any political  
18       subdivision thereof, including an authority, to require small wireless  
19       facility deployment or to regulate wireless service.

20       d. Nothing in P.L.      , c.       (C.      ) (pending before the  
21       Legislature as this bill) shall <sup>1</sup>【apply to poles owned by an investor-  
22       owned public utility, except as it concerns a wireless provider's  
23       access to a right-of-way and permits for the collocation, mounting,  
24       or installation of a small wireless facility on investor-owned public  
25       utility poles pursuant to a pole attachment agreement between the  
26       wireless provider and the investor-owned public utility】 authorize a  
27       person to collocate a small wireless facility on property owned by a  
28       public utility without consent of the public utility nor be construed  
29       to impact, modify, or supersede any construction standard,  
30       engineering practice, tariff provision, collective bargaining  
31       agreement, contractual obligation or right, or federal or State law or  
32       regulation relating to facilities or equipment owned or controlled by  
33       a public utility or its affiliate, an electric cooperative, or an  
34       independent electric transmission company, that is not a wireless  
35       provider<sup>1 2</sup>, nor shall P.L.      , c.       (C.      ) (pending before the  
36       Legislature as this bill) be construed to apply to a public utility's  
37       use of its own poles, facilities, or both for communications  
38       associated with its public utility operations<sup>2</sup>.

39  
40       20. A court of competent jurisdiction shall have jurisdiction to  
41       determine disputes arising pursuant to P.L.      , c.       (C.      )  
42       (pending before the Legislature as this bill). Pending resolution of a  
43       dispute concerning rates for collocation, mounting, and installation  
44       of small wireless facilities on authority poles in the right-of-way  
45       and the installation of associated antenna equipment, the authority  
46       owning or controlling the pole shall allow the collocating person or  
47       entity to collocate at annual rates established pursuant to section 15  
48       of P.L.      , c.       (C.      ) (pending before the Legislature as this

1 bill), with rates to be reconciled upon final resolution of the dispute.  
2 A dispute shall be pursued in accordance with accelerated docket or  
3 complaint procedures, where available.  
4

5 21. This act shall take effect on the first day of the seventh  
6 month next following enactment.