



Legislation Text

File #: 220410, **Version:** 0

220410
ORIGINAL

THE CHAIR

Resolution approving a Small Wireless Facility Master License Agreement with Crown Castle Fiber LLC.

This resolution approves the Small Wireless Facility Master License Agreement with Crown Castle Fiber LLC (f/k/a Crown Castle NG Central LLC), a copy of which is attached to this file, and authorizes the proper City officials to enter into this, or substantially similar, agreement on behalf of the City of Milwaukee.

Whereas, Small wireless facilities are mounted on street lights, traffic control poles, and other similar poles to improve wireless and cellular coverage in low coverage areas where buildings or other obstacles may get in the way of signals; and

Whereas, The City of Milwaukee previously entered into a “Small Cell” Master License Agreement with Crown Castle Fiber LLC dated September 30, 2016, which has expired; and

Whereas, The City regulates the installation and operation of small wireless facilities in the public right-of-way subject to state statutes and federal law, including the regulations and orders of the Federal Communications Commission; and

Whereas, 2019 Wis. Act 14 (s. 66.0414, Wis. Stats.) and FCC Order 18-133 (issued September 27, 2018) set forth certain limitations on the amounts that the City may charge wireless providers to co-locate small wireless facilities on City street lights, traffic control poles, and other similar poles; and

Whereas, The Department of Public Works has been working with the City Attorney’s Office to negotiate a Master License Agreement with Crown Castle Fiber LLC for the placement of small wireless facilities on City street lights, traffic control poles, and other similar poles; and

Whereas, This Master License Agreement includes the following:

1. An initial term of 10 years with 3 additional 5-year renewals (25 years total).
2. Small wireless facilities will be placed on City light poles, traffic control poles, and other similar poles.
3. Crown Castle Fiber LLC will pay the City an annual rate for each pole it uses. Rental payments will initially be \$250 annually for 2023 and prorated monthly for the initial year. Effective July 12, 2024 and every fifth anniversary thereafter, the annual rate shall increase by 10% rounded to the nearest multiple of \$5.

4. Crown Castle Fiber LLC will supply and be responsible for the cost of installation of each new pole.
5. Crown Castle Fiber LLC will reimburse the Department of Public Works for staff time to plan and install City infrastructure.
6. Crown Castle Fiber LLC will submit an application to occupy a pole, on a form to be supplied by DPW, including but not limited to plans and specifications showing the design of the pole and equipment; and all other information and certifications required by DPW consistent with federal, state, or local law.
7. The Commissioner of Public Works will review and approve or disapprove the design, in accordance with state law, and will issue a permit and execute a supplemental license for each installation.
8. Crown Castle Fiber LLC will install equipment of the type and frequency which will not impair the operation of the poles or cause unreasonable interference.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves a Small Cell Master License Agreement with Crown Castle Fiber LLC, to be substantially similar to the agreement attached to this file; and, be it

Further Resolved, That the proper City officials are authorized to execute this Small Cell Master License Agreement with Crown Castle Fiber LLC (f/k/a Crown Castle NG Central LLC); and, be it

Further Resolved, That the Commissioner of Public Works, or the Commissioner's designee, is authorized to execute a supplemental license for each installation as provided for in the Master License Agreement.

Department of Public Works
..Drafter
James Washington
LRB177483-1
Teodros W. Medhin
7/5/2022