

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
SETTING THE SMALL CELL ATTACHMENT RATE TO CITY
OWNED ELECTRIC UTILITY POLES BY THIRD PARTY
COMMUNICATIONS SERVICE PROVIDERS**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to Santa Clara City Code Section 13.05.040, all electric energy and power furnished to customers of the City of Santa Clara's Electric Utility, Silicon Valley Power (SVP), shall be charged, paid for and supplied in accordance with certain electric rate schedules, tariffs, and rules and regulations adopted and amended from time to time by City Council; and

WHEREAS, pursuant to Assembly Bill (AB) 1027, as approved by the Governor of California on October 8, 2011, publicly owned utilities shall make appropriate space available for use by communications service providers, defined as cable television corporations, video service providers and telephone corporations; and

WHEREAS, under AB 1027, space on electric utility poles may also be used for so-called small cell attachments owned by communications service providers; and

WHEREAS, SVP leases available space on its electric utility poles to communications service providers under long-term agreements; and

WHEREAS, those agreements incorporate the rate for small cell attachments which are revised each year under the terms of those agreements; and

WHEREAS, AB 1027, as it applies to the City of Santa Clara, requires that rates charged by SVP for such space used for small cell attachments be based on SVP's cost of ownership as that term is defined in AB 1027; and

WHEREAS, the City of Santa Clara prepared the attached Derivation Report on the 2018 Small Cell Attachment Rate ("Derivation Report") to determine the appropriate rate in accordance with AB 1027; and

WHEREAS, in accordance with AB 1027, the proposed small cell attachment rate was

considered by City Council at its regularly scheduled meeting in a public hearing on June 12, 2018;

WHEREAS, in accordance with AB 1027, at least ten (10) days before the public hearing date, the City of Santa Clara made the Derivation Report available on Silicon Valley Power's website at www.siliconvalleypower.com; and

WHEREAS, in accordance with AB 1027, at least fourteen (14) days before the public hearing date, the City of Santa Clara mailed notices of the time and place of meeting, including a general explanation of the matter to be considered to requested parties; and

WHEREAS, in accordance with AB 1027, the date of this Resolution is August 21, 2018, which is more than thirty (30) days after the public hearing date referenced above, and the effective date of the small cell attachment rate adopted by this Resolution is October 20, 2018, which is sixty (60) days after the date of this Resolution's adoption.

WHEREAS, the City Council reviewed and approved the recommendations contained in the staff report.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the small cell attachment rate was presented by SVP staff to City Council during its regularly scheduled meeting on June 12, 2018; and
2. The proposed small cell attachment rate and annual escalator presented by SVP staff at that meeting and incorporated in the Derivation Report attached hereto as Attachment 1 and incorporated herein, shall be and is adopted by the City Council, but shall not be effective until sixty (60) days after adoption of this Resolution; and
3. That true and correct copies of this Resolution shall be kept on file in the Office of the City Clerk at all times while this small cell attachment rate is effective, and until further amended or replaced, be open to public investigation and inspection during regular business hours of such offices.

4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Derivation Report on the 2018 Small Cell Attachment Rate