#### **RESOLUTION NO. 18-8594**

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

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hours of such offices.

Resolution/Amending Third Party Communication Rates

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 21st DAY OF AUGUST, 2018, BY THE FOLLOWING VOTE:

AYES:

COUNCILORS:

Davis, Kolstad, Mahan, O'Neill, and Watanabe and

Mayor Gillmor

NOES:

COUNCILORS:

None

ABSENT:

COUNCILORS:

None

ABSTAINED:

COUNCILORS:

None

ATTES1

JENNIFER YAMAGUMA ACTING CITY CLERK CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Derivation Report on the 2018 Small Cell Attachment Rate

# **Derivation Report on the 2018 Small Cell Attachment Rate**

# **Summary**

The purpose of this report is to document the process and assumptions used to derive the pole attachment rate for the small cell attachment that is proposed to be effective in 2018. The small cell attachment rate, expressed in dollars per attachment per year, is \$81.12.

The proposed rate for small cell attachments to City owned electric utility poles reflects the requirements of Assembly Bill (AB) 1027, which was signed by the Governor of California on October 8, 2011. AB 1027 requires that the pole attachment rate be based on Silicon Valley Power's (SVP) annual cost of ownership, which is the sum of capital costs and annual operation costs of the pole or support structure used for pole attachments. Annual capital costs must be based on SVP's net investment in equipment (capital costs) necessary for use by a communication service provider. Further, "the basis for the computation of annual capital costs shall be historical capital less depreciation" and "depreciation shall be based upon the average service life of the utility pole or support structure."

AB 1027 also requires the annual cost of ownership be allocated to communications service providers based on the assumption (subject to factual rebuttal) that there is 13.5 feet of usable space on an average electric utility pole and that a third party attachment occupies 1 foot of that 13.5 feet, resulting in the share cost of ownership of 7.4%. Based on the same cost study used to develop rates for cable attachments, adopted by Council on January 12, 2016 (Resolution No.16-8285), staff performed further analysis to determine the appropriate cost allocation to support the small cell attachment to electric utility poles. Since the required clearance requirement for a small cell attachment is 4 feet of space on an electric utility pole, instead of 1 foot for cable attachments, it was determined that the appropriate share of available space is 29.6% for a small cell attachment. Riser attachment space is also required for the power supply to the small cell attachment, and the share of available space for a riser attachment is 20%, as adopted by Resolution No. 16-8285. Therefore, the share of ownership for a small cell attachment is 49.6% and the allocated cost of ownership is \$81.12 per attachment per year. Table 1 - Pole Attachment Cost Analysis for Small Cell Attachments further depicts the calculations to achieve that rate. Table 2 – Derivation of Usable Space Allocation, Table 3 – Derivation of O&M and A&G Expenses as Related to Pole Attachments, and Table 4 -Derivation of the Historical Net Cost of Poles from the 2015 cost study are also attached as for convenient reference.

The small cell attachment rate will be subject to the same 2.5% annual escalator adopted for cable attachment rates, as well as the adopted schedule for an updated cost study to be conducted no later than 2020.

### **Cost of Ownership**

The cost of ownership components considered in the 2015 study were:

- SVP's net depreciated investment in poles and fixtures, expressed in dollars, divided by the number of poles in use;
- SVP's cost of long-term debt;
- SVP's operations and maintenance expenses that contribute to the availability and reliability of space used for communications attachments; and

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Expenses related to SVP's revenues from pole attachments.

SVP's net investment in poles and fixtures necessary for use by a communication service provider has been determined as follows. The number and age of SVP's poles were taken primarily from work by Osmose Utilities Services, Inc. (Osmose), a contractor whose primary task was to survey every SVP pole and to make recommendations for repair or replacement as appropriate. This work is performed on a 10-year cycle and is 100% pole related. Due to the accounting system not containing data on the installed cost of each pole, it was necessary to estimate the installed cost of the poles identified by Osmose. At the time of the study, SVP's current poles were installed between 1900 and 2015. A proxy installed cost for each year was determined by using the estimated installed cost (reduced by estimated salvage) for a replacement pole in 2015, and discounting that 2015 cost each year by each year's change in the Consumer Price Index. Depreciation rates were based on a 40-year service life through 1995, 37 years for 1996 and 1997, and 25 years thereafter. The primary reason for the reduction in estimated service life is the change of wood preservative.

SVP's cost of capital is estimated at 5%. SVP has financed its distribution system from various connection fees and from customer service revenues, so there is no outstanding debt related to its distribution system. SVP has routinely used 5% as a proxy for the opportunity cost of money, whether in the form of long-term debt or in the form of the long-term earning potential of cash reserves.

Operations and maintenance (O&M) expenses related to poles and pole attachments are estimated as follows. SVP uses a combination of City accounts and the FERC Uniform System of Accounts for both capital and operating expenses. This means that overhead O&M expenses are available from FERC accounts 583 and 593. Amounts in these accounts were augmented by allocating a prorated portion of total distribution supervision and Administration and General (A&G) expenses (FERC account 580 and accounts 921-927). These expenses, as augmented, were then allocated to reflect the estimated proportion of pole related expenses (10%) as a percentage of total distribution expenses. This allocation was based on the judgment of distribution management personnel.

In addition, certain expenses are directly allocated. These include Osmose's pole inspection and repair expenses completed by Osmose and tree trimming. Tree trimming is critical to maintain clearance for both overhead electrical wires and the communications cables and other equipment attached to SVP's poles.

Table 1 - Pole Attachment Cost Analysis for Small Cell Attachments

Line No. Cost of Ownership			c	2015 Cost Study		2018 Small Cell Attachment
	Estimated Historical Net Cost of Poles				•	
1	Cost (net of salvage value) (from Table 4)		\$	486.71		
2	Depreciation Exp - % (Recovery of Capital)			4.0%		
3	Cost of Money			5.0%		
4	O&M + A&G Expenses - % (from Table 3)			21.4%		
5	Cost of Ownership - % (Total I.2 through I.4)			30.44%		
6	Cost of Ownership - \$ (l.5 * l.1)		\$	148.17		
6a	Escalation Factor - 2016 to 2018					1.050625
6b	Adjusted Cost of Ownership (I.6 * I.6a)				\$	155.67
7	Adjusted for Contribution in Lieu of Taxes	5.0%	\$	7.41	\$	7.78
8	Adusted total Cost of Ownership (I.6b + I.7)		\$	155.58	\$	163.45
9	Cost of Ownership % (from Table 2)					49.6%
10	Allocated Cost of Ownership for Small Cell Attachments - \$/Year (l.8 * l.9)				\$	81.12

Table 2 - Derivation of Usable Space Allocation

Line No	o.		Small Cell Attachment	Riser Attachment
1	AB1027 "Available space"	feet	13.5	13.5
2	Additional space occupied by riser	feet	0	. 18
3	Total Available Space	feet	13.5	31.5
4	Attachment Space (1)	feet	4.0	6.3
5	Attachment space as % of total available space		29.6%	20.0%

(1) Small Cell Attachment Space is determined by 4' of safety requirement. Riser Attachment Space shown in I.4 is based on 20% assumption in I.5

			Small Cell Attachment
6	AB1027 1 foot of usable space	%	7.4%
7	Safety Requirement (from secondary line)	feet	4.00
8	Small Cell as % of total available space	%	29.6%
9	Riser Attachment as % of total available space	%	20%
10	Total Attachment space as % of total available space	%	49.6%

Table 3 - Derivation of O&M and A&G Expenses as Related to Pole Attachments

Line No.	Derivation of Allocated O&M + A&G Expenses		
	FY14-15 Recorded	Φ.	F70 000 00
1	Overhead Operating Expense (including Supervisor and A&G)	Þ	579,296.06
2	Overhead Maintenance Expense (including Supervisor and A&G)	\$	2,463,847.29
3	Less: Osmose included in FERC Acct 593	\$	-
4	Less: Tree Trimming included in FERC Acct 593	\$	858,324.81
5	Total Overhead O&M	\$	2,184,818.54
6	Allocation as Pole-related - %		10%
7	Allocation as Pole-related - \$	\$	218,481.85
	Derivation of Pole Attachment Related to Operating and Maintenance Exper	nses	
8	Pole-related Overhead O&M expense - other than contract services (from I.7)	\$	218,481.85
	Contract Services:		
9	Direct allocation - Tree Trimming in FERC Acct 593		858,324.81
10	Direct allocation - Osmose pole inspection and repair cost	\$	105,207.20
11	Total O&M	\$	1,182,013.87
12	Pole-related depreciated investment (from Table 4)	\$	5,512,519.52
13	O&M as % of pole-related depreciated investment - % (I.11 / I.12)		21.4%

Table 4 - Derivation of the Historical Net Cost of Poles

pouts in Bold 900 910 920 920 922 930 933 933 940 945 946 947 948 949 950 951	22 1 2 1 0 1 1 2 4 3 13	1 0 0 0 0	23 1 2 1 0	9,900 9,900 20,000	-41.07%														
910 920 922 930 933 947 945 946 947 948 949 950 951	1 2 1 0 1 1 2 4 3 13	0 0 0 0	1 2 1	9.900			\$	332.25	s	7,642	0% 0.00%	40	40	2.5%	% 100%		\$ 7,642	s	\$ -
922 930 933 937 940 945 946 947 948 949 950 950	1 0 1 1 2 4 3 13	0 0 0	1	20.000	-50.50%		\$		\$	332	0.00%	40	40	2.5%	100%		332	\$	-
930 933 937 940 945 946 947 948 949 950 951	0 1 1 2 4 3 13	0			19.05%		\$		\$	1,342	0.00%	40	40	2.5%	100%		1,342	\$	-
933 937 940 945 946 947 948 949 950 951	1 1 2 4 3 13	0 0		16.800 16.700	0.60% 28.46%	69.70% -0.60%		563.82 560.47	\$ \$	564	0.00%	40 40	40 40	2.5% 2.5%	100% 100%		564	\$ \$	-
937 940 945 946 947 948 949 950 951 952	2 4 3 13	0	1	13.000	-9.72%	-22.16%			\$	436	0.00%	40	40	2.5%	100%		436	\$	-
945 946 947 948 949 950 951	4 3 13	۸	1	14.400	2.86%	10.77%		483.28	\$	483	0.00%	40	40	2.5%	100%	\$	483	\$	-
946 947 948 949 950 951 952	3 13		2	14.000	-22.22%	-2.78%		469.85	\$	940	0.00%	40	40	2.5%		\$	940	\$	-
947 948 949 950 951 952	13	0	4	18.000 19.500	-7.69% -12.56%	28.57% 8.33%			\$	2,416 1,963	0.00%	40 40	40 40	2.5% 2.5%	100% 100%	\$	2,416 1,963	\$ \$	-
948 949 950 951 952		1	14	22.300	-7.47%	14.36%			\$	10,478	0.00%	40	40	2.5%	100%		10,478	\$	-
950 951 952	15	1	16	24.100	1.26%	8.07%	\$	808.82	\$	12,941	0.00%	40	40	2.5%	100%		12,941	\$	-
951 952	7	0	7	23,800	-1.24%	-1.24%			\$	5,591	0.00%	40	40 40		100% 100%		5,591 53,675	\$ \$	-
952	182 175	8 8	190 183	24.100 26.000	-7.31% -1.89%	1.26% 7.88%		808.82 872.58	\$ \$	153,675 159,682	0.00%	40 40	40		100%		59,682	\$	-
	369	16	385	26.500	-0.75%	1.92%			\$	342,404	0.00%	40	40	2.5%	100%	\$ 3	42,404	\$	-
953	122	5	127	26.700	-0.74%	0.75%			\$	113,801	0.00%	40	40		100%		13,801	\$	-
954 955	473 894	21 39	494 933	26.900 26.800	0.37% -1.47%	0.75% -0.37%			\$	445,976 839,168	0.00%	40 40	40 40		100% 100%		45,976 39,168	\$ \$	
956	505	22	527	27,200	-3.20%	1.49%		912.85	\$	481,074	0.00%	40	40		100%		81,074	\$	-
957	375	16	391	28.100	-2.77%	3.31%			\$	368,736	0.00%	40	40		100%		68,736	\$	-
958	787	34	821	28.900	-0.69%	2.85%			\$	796,294	0.00%	40	40		100%		96,294	\$	-
959 960	491 1344	21 59	512 1403	29,100 29,600	-1.69% -1.00%	0.69% 1.72%			\$ S	500,029 1,393,740	0.00%	40 40	40 40		100% 100%		00,029 193,740	\$ \$	-
961	556	24	580	29.900	-0.99%	1.01%		1,003.47	\$	582,011	0.00%	40	40	2.5%	100%	\$ 5	82,011	\$	-
962	163	7	170	30,200	-1.31%	1.00%			\$	172,301	0.00%	40	40		100%		72,301	\$	-
963 964	192 150	8 7	200 157	30,600 31,000	-1.29% -1.59%	1.32% 1.31%		1,026.96 1,040.38	\$	205,392 163,340	0.00%	40 40	40 40		100% 100%		05,392 63,340	\$ \$	-
965	126	6	132	31.500	-2.78%	1.61%			\$	139,546	0.00%	40	40		100%		39,546	\$	-
966	213	9	222	32.400	-2.99%	2.86%	\$	1,087.37	\$	241,396	0.00%	40	40		100%		41,396	\$	-
967	50	2	52	33.400	-4.02%	3.09%		1,120.93	\$	58,288	0.00%	40	40		100%		58,288	\$	-
968	126 127	6 6	132 133	34.800 36.700	-5.18% -5.41%	4.19% 5.46%		1,167.92 1,231.68	\$	154,165 163.814	0.00%	40 40	40 40		100% 100%		54,165 63,814	\$ \$	-
970	46	2	48	38.800	-4.20%	5.72%		1,302.16	\$	62,504	0.00%	40	40		100%		62,504	\$	-
971	126	6	132	40.500	-3.11%	4.38%		1,359.21	\$	179,416	0.00%	40	40		100%		79,416	\$	-
1972 1973	118 142	5 6	123 148	41.800 44.400	-5.86% -9.94%	3.21% 6.22%			\$ \$	172,550 220,535	0.00%	40 40	40 40		100% 100%		72,550 220,535	\$ \$	-
1974	472	21	493	49,300		11.04%			\$	815,692	0.00%	40	40		100%		315,692	\$	-
1975	22	1	23	53,800		9.13%	6 \$	1,805.57	\$	41,528	0.00%	40	40				41,528	\$	~
1976	76	3	79	56.900		5.76%			\$	150,859	0.00%	40	39				147,088	\$	3,771
1977 1978	192 73	8	200 76	60.600 65.200		6.50% 7.59%			\$	406,757 166,300	0.00% 0.00%	40 40	38 37		95% 93%		386,419 153,828	\$ \$	20,338 12,473
1979	10	ō	10	72.600		11.35%	6 \$	2,436.51	\$	24,365	0.00%	40	36		90%		21,929	\$	2,437
1980	53	2	55	82.400		13.50%			\$	152,098	0.00%	40	35		88%		133,085	\$	19,012
1981 1982	90 21	4	94 22	90.900 96.500		10.32% 6.16%			\$ \$	286,764 71,250	0.00%	40 40	34 33				243,749 58,781	\$ \$	43,015 12,469
1983	27	i	28	99.600		3.21%			\$	93,594	0.00%	40	32				74,875	\$	18,719
1984	92	4	96			4.32%			\$	334,749	0.00%	40	31		78%		259,430	\$	75,318
1985	74	3 4	77 102	107.600		3.56% 1.86%			\$	278,058 375,183	0.00%	40 40	30 29		75% 73%		208,543 272,008	\$ \$	69,514 103,175
1986 1987	98 49	2	51	113.600		3.65%			\$	194,438	0.00%	40	28				136,107	\$	58,331
1988	57	2	59	118.300	-4.60%	4.14%	6 \$	3,970.24	\$	234,244	0.00%	40	27	2.5%	68%	\$ 1	158,115	\$	76,129
1989	56	2	58			4.82%			\$	241,369	0.00%	40 40	26 25		65% 63%		156,890	\$ \$	84,479
1990 1991	35 45	2 2	37 47	130.700 136.200		5.40% 4.21%			\$	162,297 214,836	0.00%	40	24		60%		101,435 128,902	\$	60,861 85,934
1992	60	3	63			3.01%		4,708.58	\$	296,641	0.00%	40	23	2.5%	58%	\$ :	170,568	\$	126,072
1993	74	3	77	144.500		2.99%			\$		0.00%	40	22				205,378	\$	168,036
1994 1995	13 123	1 5	14 128	148.200 152,400		2.56% 2.83%			\$	69,632 654,677	0.00%	40 40	21 20				36,557 327,339	\$ \$	33,075 327,339
1996	35	2	37	156.900		2.95%			\$		0.00%	37	19		51%		100,048	š	94,782
1997	81	4	85			2.29%			\$		0.00%	37	18				222,739	\$	235,114
1998	201	9	210			1.56%				1,148,786 581,488	0.00%	25 25	17 16		68% 64%		781,175 372,152	\$ \$	367,612 209,336
1999 2000	100 99	4	104 103	166.600 172.200		2.21% 3.36%					0.00%	25	15				357,153	\$	238,102
2001	13	i		177.100		2.85%	6 \$	5,943.62		83,211	0.00%	25	14		56%	\$	46,598	\$	36,613
2002	64	3	67			1.57%					0.00%	25	13				210,326	\$	194,147
2003 2004	94	4	98 17			2.27% -2.03%			\$		0.00% 0.00%	25 25	12 11		48% 44%		290,418 47,420	\$ \$	314,619 60,353
2004	16 50		52			-3.12%					0.00%	25	10				136,332	\$	204,498
2006	29	1	30			-2.77%			\$		0.00%	25	٤			\$	73,071	\$	129,904
2007	41	2	43			-3.70%			\$		0.00%	25			32%		95,750	\$	203,468
2008 2009	81 59	4 3	85 62	215.303 214.537		0.36% -1.61%			\$		0.00%	25 25	7		28% 24%		171,973 107,137	\$ \$	442,215 339,266
2010	45		47			-3.06%					0.00%	25	ì		20%		68,790	\$	275,162
2011	55	2	57	224.939	-2.03%	-2.03%	6 \$	7,549.13	\$	430,301	0.00%	25	4			\$	68,848	\$	361,452
2012	26		27			-1.44%			\$		0.00%	25		3 4.0% 2 4.0%		\$	24,965 5,629	\$	183,079 64,735
2013 2014	9		9			-1.60% -0.51%					0.00%				8% 4%	\$ \$	1,907	\$ \$	45,763
2015	13			237.945		0.00%					0.00%	25		4.0%	0%		-	\$	111,799
Total	10853	473	11326																
Total	10853		11326						\$	21,088,163							575,643 D/pale =		5,512,520 486.71

Estimated Pole Replacements for 2014 and 2015