

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,
AMENDING RATES FOR THIRD PARTY COMMUNICATIONS
ATTACHMENTS TO UTILITY POLES OWNED BY THE CITY OF
SANTA CLARA**

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 the City Council; and

WHEREAS, Silicon Valley Power leases available space on its electric distribution poles to communications providers under long-term agreements; and

WHEREAS, those agreements incorporate rates for cable attachments, equipment attachments, riser attachments, anchor guy attachments, and small cell attachments (together, "pole attachments") that are revised each year under the terms of those agreements; and

WHEREAS, on October 8, 2011, the governor signed AB1027, which added Sections 9510-9519 to the Public Utilities Code and required that publicly owned utilities make "appropriate" space available for use by cable television corporations, video service providers, and telephone corporations; and

WHEREAS, AB1027, as it applies to the City of Santa Clara, requires that the rates charged by the City of Santa Clara for pole attachments be based on Silicon Valley Power's "cost of ownership," as that term is defined in AB1027, and

WHEREAS, AB1027 states that the pole attachment rates and service conditions determined pursuant to AB1027 shall not affect pole attachment agreements executed prior to January 1, 2012, and;

WHEREAS, a Silicon Valley Power staff report, which included a proposal to amend Silicon Valley Power's various pole attachment rates in accordance with the requirements of AB1027, was heard by the City Council at its regularly scheduled public meeting on November 17, 2020; and

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 conformance with AB1027, the date of this resolution is January 12, 2021, which is more than 30 days after the public meeting referenced above, and the effective date of the rates adopted by this resolution is March 13, 2021, which is 60 days after the date of this resolution; and

WHEREAS, the City Council reviewed and approved the recommendations contained in the staff report, which included the recommendation that the City Council amend Silicon Valley Power's rates for pole attachments in agreements executed after January 12, 2012.

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

1. That the amended pole attachment rates were presented by Silicon Valley Power staff to the City Council during its regularly scheduled meeting on November 17, 2020; and
2. The proposed pole attachment rate changes and annual escalator presented by Silicon Valley Power staff at that meeting and incorporated in the "Report on Derivation of Fiscal Year 2020-2021 Pole Attachment Rates," attached hereto as Exhibit A, shall be and are adopted by the City Council; and
3. That true and correct copies of this Resolution shall be kept on file in the Office of the City Clerk and in the Billing Division of the City Finance Department at all times while these pole attachment rates are effective, and, until further amended or replaced, be open to public investigation and inspection during the regular business hours of such offices; and

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 _____, 2021, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibit A – Report on Derivation of FY 2020-2021 Pole Attachment Rates