



Legislation Details (With Text)

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**Title:** Action on a Pole Contact Agreement with Level 3 Telecom, LP to Allow the Attachment of Facilities on City-Owned Poles

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**Attachments:** 1. Pole Contact Agreement with Level 3 Telecom, LP

Date	Ver.	Action By	Action	Result
12/6/2022	1	City Council and Authorities Concurrent	Approved	Pass

**REPORT TO COUNCIL**

**SUBJECT**

Action on a Pole Contact Agreement with Level 3 Telecom, LP to Allow the Attachment of Facilities on City-Owned Poles

**COUNCIL PILLAR**

Deliver and Enhance High Quality Efficient Services and Infrastructure

**BACKGROUND**

Through its Electric Utility, Silicon Valley Power (SVP), the City of Santa Clara (City) owns and maintains approximately 11,000 utility poles that are used to support SVP’s overhead electric transmission and distribution equipment. California law requires that the City make appropriate space available on its poles for communication companies, such as Level 3 Telecom, LP to attach. In order to facilitate this requirement, the City requires that any company that wishes to attach to its poles sign a Pole Contact Agreement that sets forth the process and requirements that companies must abide by for attachment approval. Under the Pole Contact Agreement, all attachments and routes will be reviewed and approved by SVP staff.

**DISCUSSION**

Level 3 Telecom, LP is a wireline provider of telecommunication services licensed by the California Public Utilities Commission and previously held a Pole Contact Agreement. Since that time Level 3 Telecom, LP has continued to pay annual attachment fees for pole attachments while negotiating a replacement Pole Contact Agreement with the City. Level 3 Telecom, LP has agreed to the provisions of the City’s Pole Contact Agreement for the next five (5) year to continue these services.

**ENVIRONMENTAL REVIEW**

Staff recommends that the City Council determine that the action being considered is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines (Title 14 of the

California Code of Regulations) section 15303 (Class 3 - New Construction or Conversion of Small Structures), because the Pole Contact Agreement allows small telecommunication attachments to City electric poles.

### **FISCAL IMPACT**

Payments over the term of the Pole Contact Agreement are aligned with state regulations and will offset other utility expenses.

### **COORDINATION**

This report has been coordinated with the Finance Department and City Attorney's Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

Determine the proposed action is exempt from CEQA pursuant to Section 15303 of Title 14 of the California Code of Regulations and authorize the City Manager to execute the Pole Contact Agreement with Level 3 Telecom, LP to allow the attachment of facilities on City-owned poles and take any actions as necessary to implement and administer the Agreement.

Reviewed by: Manuel Pineda, Chief Electric Utility Officer

Approved by: Rajeev Batra, City Manager

### **ATTACHMENTS**

1. Pole Contact Agreement with Level 3 Telecom, LP