

July 26, 2018

Paul Albritton
Mackenzie & Albritton LLP
155 Sansome Street, Suite 800
San Francisco, CA 94104
BY EMAIL TO pa@mallp.com AND REGULAR MAIL

Re: Verizon small cell applications in City of Sonoma

Dear Mr. Albritton:

The City has asked that I contact you regarding the 10 small cell installation applications made by the CBR Group firm to the City on behalf of Verizon Wireless. You previously communicated with me by email on May 10, regarding the legality of the City's ordinance and your client's rights to develop within the City. I did not respond at that time as you indicated that you would be following up with me regarding your client's applications within a few days of your email. However, since it has now come to my attention that there are matters that our client, the City, would like to address with Verizon I am taking the step of initiating communications with you directly. I would suggest we continue to communicate directly regarding this matter on our clients' respective behalves.

Through its consideration of the applications, it has come to the City's attention that there is certain information that has not been provided at this time which the City will need in order to perform a more complete analysis of the applications. It is my understanding that Verizon's engineering contractor and City staff have had discussions regarding a technical review being made in order for the City to be able to analyze and evaluate the documentation submitted in support of the applications, including the existence of a gap in coverage and the available alternatives to the proposed facilities if the proposed facilities do not otherwise meet the City's requisite use permit standards. Lee Afflerbach, P.E. of the engineering firm of Columbia Telecommunications Corporation (CTC) dba CTC Technology & Energy, 10613 Concord Street, Kensington, Maryland 20895, which specializes in this area, has been retained on the City's behalf to perform a technical review of the applications submitted by Verizon. It is my understanding that Verizon's contractor previously indicated to City staff that it would not be agreeable to the applicant paying for the costs of the technical review. Section 5.32.080(C) of the Sonoma Municipal Code provides that the "applicant shall pay all the costs of [the technical] review, including any administrative costs incurred by the city." Therefore, this is notice to you that the City will be invoicing, and seeking reimbursement from, Verizon for the fees and costs of the services provided by CTC which are incurred by the City in the application and determination process.

Mr. Afflerbach has requested the following information be provided by Verizon:

1. Provide a complete list of Verizon's licensed wireless spectrum in the 700MHz, PCS and AWS bands for use within the City of Sonoma
2. A definition of the wireless signal power level ranges (RSRP in dBm) in the areas delineated in the AWS band on the map exhibits in the coverage areas delineated with the colors of green, yellow and red.

670 W. NAPA STREET, SUITE F, SONOMA, CALIFORNIA 95476
TELEPHONE: 707-996-9690 FAX: 707-996-9603

3. Reference information on the software and/or field measurement data employed by Verizon engineers to prepare the coverage signal coverage exhibits presented in the applications. (i.e. – modeling tool employed, software vendor, calculation algorithms)
4. Proposed effective radiation power (ERP) for each small cell site in individual 700 MHz, PCS and AWS wireless bands
5. Provide a city-wide signal coverage map in the same format as the exhibits labeled “Without Small cell AWS Coverage” for both the PCS and 700 MHz bands
6. No coverage maps were provided for the individual small cell applications in either the 700 MHz or PCS band. It is noted that the proposed antenna along with the three remote radios specified for each site are capable of supporting operation in the three licensed Verizon bands. Please provide the following supplemental information:
 - a. Will any of the proposed sites support operation in either the 700 MHz and PCS bands in addition to the AWS band?
 - b. If so, identify the individual sites that will support multi-band operation
 - c. For each multiband site, provide individual coverage maps for each of the respective wireless bands
 - d. Provide a Citywide composite map for both the 700 MHz and the PCS bands of projected coverage with both existing and proposed wireless sites operational
7. Please provide supplemental information on the back-up batteries:
 - a. Battery technology
 - b. Size and number of batteries
 - c. Estimated operation duration during a commercial power outage

Provided that the City receives all of this information no later than August 9, 2018 (which is two weeks from the date of this letter), the City will be able to go forward with hearings on the use permit applications submitted by Verizon. The City would be ready to schedule the applications submitted for installations within commercial districts (Application Nos. S-006, S-007, and S-012) for a public hearing before the Planning Commission on **August 30, 2018**. The City would be ready to schedule the applications submitted for installations within residential districts (Application Nos. S-002, S-004, S-008, S-011, S-014, S-016, and S-017) for a public hearing before the Planning Commission on **September 27, 2018**. If, however, the information being requested is not received by the date given above, then the City would not be able to evaluate the information sufficiently in advance of these hearing dates and would need to reschedule the hearings.

For the hearings on these applications to be able to go forward on these dates and also allow for any appeals to determinations made at these hearings, I have prepared and attached an agreement for your signature to extend the “shot clock” rule for wireless facilities applications which I am attaching to this correspondence. By this offer the City does consent to extending and tolling the “shot clock” rule as set forth in the attached agreement. With respect to the appeal determination date in the agreement, please consider that the City has a 15-day appeal period and a 20-day public notice period in advance of the appeal hearing date. SMC sections 19.84.030 and 19.88.020.

Please mail and email to jabaci@walterpistole.com your signed copy of this agreement by **July 31, 2018**, so that the August 30 and September 27 hearing dates may continue to be held. Thank you in advance for your courtesy and cooperation in this matter. Please contact me at 707-996-9690 should you wish to discuss this matter.

Sincerely,



John Abaci
Assistant City Attorney

cc: Lee Afflerbach
Cathy Capriola
David Goodison
Aaron Hollister

Mutual Agreement to Extend Time Period to Make a Determination
on Wireless Facility Applications

This Agreement by and between the City of Sonoma and Verizon Wireless, applicant for wireless facility approvals is entered into as of the 26th of July, 2018.

The parties to this Agreement wish to set forth their mutual understanding as to the time period for a determination to be made regarding each of the wireless facility applications listed below that are currently pending with the City of Sonoma:

- 1) Application No. S-002 (Residential)
- 2) Application No. S-004 (Residential)
- 3) Application No. S-006 (Commercial)
- 4) Application No. S-007 (Commercial)
- 5) Application No. S-008 (Residential)
- 6) Application No. S-011 (Residential)
- 7) Application No. S-012 (Commercial)
- 8) Application No. S-014 (Residential)
- 9) Application No. S-016 (Residential)
- 10) Application No. S-017 (Residential)

The parties agree that the reasonable period of time established by the statutes, regulations and FCC Rulings identified and set forth below as "Shot Clock rules" for the City of Sonoma to make a final determination on the above-listed wireless applications shall be extended to and include the following dates:

For all of those applications listed above as being "commercial", the Planning Commission shall make a determination on or before the date of August 30, 2018, provided that the applicant submits additional information in a timely manner as set forth within the correspondence from John Abaci, Assistant City Attorney, to Paul Albritton, counsel for Verizon, on the date of this agreement.

For all of those applications listed above as being "residential", the Planning Commission shall make a determination on or before the date of September 27, 2018, provided that the applicant submits additional information in a timely manner as set forth within the correspondence from John Abaci, Assistant City Attorney, to Paul Albritton, counsel for Verizon, on the date of this agreement. In the event that the additional information is not submitted in a timely manner, the parties shall enter into an extension agreement at that time.

It is further agreed and understood that in the event an appeal is filed to the Planning Commission's decision on any of the applications, then the time for a final determination to be made on that application shall be extended to the date of December 31, 2018. Each party agrees that it shall neither have, nor assert, any claim for unreasonable or unlawful delay in processing the applications before any of the dates set forth above.

Shot Clock rules

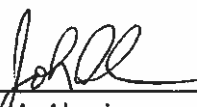
- California Government Code Section 65964.1
- Section 704(a) of the Telecommunications Act of 1996 (PL. 104-104) [codified at 47 U.S.C. section 332(c)(7)]
- Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) (H.R. 3630, PL. 112-96) [47 U.S.C. section 1455(a)]
- In re Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B), 24 FCC Rcd. 13994 (2009)
- In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Report and Order, 29 FCC Rcd. 12865 (2014)
- Any and all decisional authorities that have interpreted any of the statutes, orders or rulings cited above
- All other federal or state statutes, regulations, administrative or court orders, rulings, and/or decisions affecting or interpreting any of the above authorities during such time as any of the applications remain pending.

By setting forth their signatures below, the parties' counsel represent that they are authorized to sign this agreement giving mutual consent to extend the shot clock on their respective parties' behalf under the terms set forth by this agreement.

Verizon Wireless

By: _____
Paul B. Albritton
Mackenzie & Albritton, LLP
Attorneys for Verizon Wireless

City of Sonoma

By: 
John A. Abaci
Assistant City Attorney

John Abaci

From: Paul Albritton <pa@mallp.com>
Sent: Thursday, August 02, 2018 4:31 PM
To: John Abaci
Subject: Re: Verizon Wireless applications
Attachments: SHOT CLOCK TRACKER 08.02.18.xlsx; Untitled attachment 00003.htm

John: Thank you for speaking with me earlier this week. I have attached for your reference the Shot Clock calculations I have received from Verizon Wireless's consultant, CBR Group. As I mentioned over the phone, we believe all of the Shot clocks have expired. If you have information to the contrary, please let me know. With that said, Verizon Wireless has no current intention to exercise Government Code 65964.1. Perhaps Verizon Wireless can provide written assurance to that effect.

As I mentioned over the phone, Verizon Wireless is willing to accommodate peer review of the "gap" to be served by its small cell network in the City of Sonoma. In doing so, however, Verizon Wireless does not waive its legal right to place facilities on public roads under state law without demonstration of need.

Verizon Wireless would like to proceed with the review of the three facilities in the commercial zones. And first, receive the City's determinations on those applications prior to peer review of the applications in residential zones. To that end, we have instructed Verizon Wireless engineers to provide information sought by CTC for the three commercial sites to be heard on August 30, 2018. The remaining applications may be deferred until those applications have been finalized.

We'd be happy to prepare a letter stating that Verizon Wireless will not exercise its rights under the Telecommunications Act or Government Code for unreasonable delay of its applications in the City of Sonoma before a specified date. Let me know if I should prepare such an agreement, or if you would like to prepare such an agreement. I will call you before the end of the day to make sure that you have received my email.

Thank you.

Paul

for Paul Albritton
Mackenzie & Albritton, LLP
155 Sansome Street, Suite 800
San Francisco, California 94104
(415) 288-4000
pa@mallp.com

SONOMA SMALL CELLS SHOT CLOCK

| Node | Replace Pole? | App. Date | NOI 1 | Days Halted | Response | NOI 2 | Days Halted | Response | SHOT CLOCK |
|------|---------------|------------|-----------|-------------|------------|----------|-------------|----------|------------|
| 2 | | 6/27/2017 | 6/29/2017 | 4 | 7/3/2017 | 7/6/2017 | 27 | 8/2/2017 | 10/26/2017 |
| 4 | Yes | 9/28/2017 | 9/28/2017 | 12 | 10/10/2017 | | | | 3/9/2018 |
| 5 | Yes | 9/28/2017 | 9/28/2017 | 12 | 10/10/2017 | | | | 3/9/2018 |
| 6 | | 6/27/2017 | 6/29/2017 | 4 | 7/3/2017 | 7/6/2017 | 27 | 8/2/2017 | 10/26/2017 |
| 7 | Yes | 9/28/2017 | 9/28/2017 | 12 | 10/10/2017 | | | | 3/9/2018 |
| 8 | Yes | 9/1/2017 | 9/28/2017 | 12 | 10/10/2017 | | | | 2/10/2018 |
| 11 | Yes | 10/10/2017 | | | | | | | 3/9/2018 |
| 12 | Yes | 9/1/2017 | 9/28/2017 | 12 | 10/10/2017 | | | | 2/10/2018 |
| 14 | No | 9/1/2017 | 9/28/2017 | 12 | 10/10/2017 | | | | 12/12/2017 |
| 17 | Yes | 9/12/2017 | 9/28/2017 | 12 | 10/10/2017 | | | | 2/21/2018 |