



TACIR

The Tennessee Advisory Commission
on Intergovernmental Relations



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MEMORANDUM

TO: Commission Members

FROM: Cliff Lippard *Cliff*
Executive Director

DATE: 7 September 2018

SUBJECT: Public Chapter 819, Acts of 2018 (Small Cell)—Update

Public Chapter 819, Acts of 2018, makes changes to state law governing the deployment of small wireless facilities for providing broadband internet service and directs the Commission to study its effects in Tennessee. Small wireless facilities are short-range facilities, small enough to be located on a variety of structures, such as street lights, electric poles, buildings, and billboards. They are being deployed as part of providers' efforts to build the next generation of wireless networks to support a broad range of internet functions by offering faster speeds and better reliability, while reducing network congestion.

Tennessee is one of 20 states that have enacted laws governing the deployment of small wireless facilities. None of these laws predate 2014, and all have been either enacted or amended in the last two years. This update provides preliminary information comparing Tennessee's small wireless facility law to those passed in other states, including

- a brief introduction to small wireless facilities, including a list of states that have enacted small wireless facility laws and a summary of small wireless facility legislation from the 2018 legislative session, provided by the National Conference of State Legislatures (attachment A);
- a table comparing each state's small wireless facility law based on the policy issues it addresses within a set of broad categories that include application logistics; fees; grounds for denial; issues related to height, size, aesthetics, and location; and pole attachments (attachment B); and

- tables providing more detailed comparisons across states for four policy issues, including timelines for local governments to process complete applications, the number of wireless facilities allowed in a single application, maximum fees local governments are authorized to charge for processing applications, and whether local governments can seek reimbursement from applicants for consultant fees (attachment C).

The Act directs the Commission to report the results of its study, including any recommendations, to the General Assembly by January 1, 2021.