

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: April 18, 2025

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No.: 25-0002-S24
Assignment No.: 25-04-0286

SUBJECT: Report on legislation that seeks to undermine the City's jurisdictional control over its utility assets

CLA RECOMMENDATION:

ADOPT Resolution (Nazarian-Blumenfield) to include in the City's 2025-2026 State Legislative program opposition to any legislation that seeks to undermine the City's jurisdictional control over its utility assets.

SUMMARY

This Resolution (Nazarian-Blumenfield) calls for the inclusion in the City's 2025-2026 State Legislative Program opposition to any legislation that seeks to undermine the City's jurisdictional control over its utility assets, including any limits to the City's authority to regulate the timing or placement of wireless telecommunications facilities on such assets, and ensure such infrastructure does not jeopardize public safety.

The Resolution states that the City is responsible for inspecting, maintaining or replacing, and operating over 310,000 distribution utility poles throughout its service territory and has opposed past legislation, including AB 1027 (Buchanan), AB 2788 (Gatto), and administrative actions that remove local authority and restrict the City's ability to govern the use of public assets. Therefore, the Resolution requests the City oppose similar legislation.

BACKGROUND

Utility poles belonging to investor-owned utilities in California are regulated by the California Public Utilities Commission (CPUC). Utility poles belonging to local publicly owned utilities, such as the Los Angeles Department of Water and Power (LADWP), are regulated by their local jurisdictional authorities—in the case of the LADWP, by the Board of Water and Power Commissioners (the Board) and the City of Los Angeles (the City).

Broadband service providers frequently request the ability to attach communications infrastructure to utility poles. Since 2011, under the provisions of Section 9510 of Division 4.8 of the California state Public Utility Code, local utilities have been required to provide access to their poles to cable television corporations, video service providers, and telephone corporations at "reasonable rates." Such attachments must be overseen to ensure that they do not overload poles or otherwise compromise the safety of the transmission and distribution system, and any

associated costs must be covered by the broadband providers to ensure that LADWP ratepayers do not end up subsidizing the installation of their equipment. Accordingly, the LADWP, under the oversight of the Board and the City, has established procedures for ensuring that pole attachments are made safely and for establishing fees appropriate to recovering costs associated with pole attachments.

In addition to ensuring that communications providers have access to the LADWP infrastructure, the City has supported and continues to support equitable access to broadband technology in numerous ways. The most recent annual report on these activities from the Bureau of Street Lighting, issued in July 2024 (20-0761-S1), reviews the Affordable Connectivity Program (which ended in 2024), Bureau of Street Lighting fiber optic conduit projects in coordination with the State Middle Mile Broadband Initiative, Community Connectivity Projects to expand WiFi access in targeted communities, and the development of a Digital Inclusion Strategic Plan for the City.

The LADWP's independence from CPUC oversight in the area of pole attachments is consistent with California law and reflects the overall national treatment of public power utilities in the 1978 Pole Attachment Act, which exempted public power from FCC oversight in this area "because the pole attachment rates charged by municipally owned and cooperative utilities [were] already subject to a decision-making process based upon constituent needs and interests."¹

The current proposed resolution is consistent with the City's previous positions on this issue, most recently the Resolution (Yaroslavsky-Hernandez) adopted by the Council in 2024 (Council File 23-0002-S115).

Louisa Lund

Louisa Lund
Analyst

Attachments: 1. Resolution

¹ Cited in American Public Power Association Issue Brief, "Preserving the Municipal Exemption from Federal Pole Attachment Regulations" (January 2025).

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City has supported efforts to deploy broadband technology, with an emphasis on expanding access to underserved communities and cutting costs for users; and

WHEREAS, the Los Angeles Department of Water and Power (LADWP) delivers reliable, cost-effective power to more than 4 million people in Los Angeles; and

WHEREAS, the City is responsible for inspecting, maintaining or replacing, and operating over 310,000 distribution utility poles throughout its service territory; and

WHEREAS, installation of broadband infrastructure equipment on electric utility poles must not compromise public health and safety; and

WHEREAS, the City reviews and approves broadband pole attachment applications, including, but not limited to wind loading calculations, safe access to electrical infrastructure, and proper grounding to minimize fire and electric shock risks to the public and utility workers; and

WHEREAS, broadband infrastructure that is incorrectly attached to electric utility poles can unnecessarily increase risk to the public and utility workers for fire, electrocution, and also increase wildfire risks in communities located in High Fire Threat Districts; and

WHEREAS, the City has opposed past legislation, including AB 1027 (Buchanan), AB 2788 (Gatto), AB 57 (Quirk), SB 556 (Dodd), and administrative actions that remove local authority, especially in matters that restrict the City's ability to govern the use of our public infrastructure;

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this Resolution, with the concurrence of the Mayor, the City of Los Angeles hereby includes in its 2025-2026 State Legislative Program OPPOSITION to any legislation that seeks to undermine the City's jurisdictional control over its utility assets, including any limits to the City's authority to regulate the timing or placement of wireless telecommunications facilities on such assets, and ensure such infrastructure does not jeopardize public safety.

PRESENTED BY:

ADRIN NAZARIAN

Councilmember, Second District

SECONDED BY:


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