

**File Number:** H.F. 739 **Date:** February 27, 2017  
**Version:** The delete everything amendment (H0739DE3)

**Authors:** Hoppe

**Subject:** Telecommunications

**Analyst:** Bob Eleff

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd/](http://www.house.mn/hrd/).

### Overview

House File 739 establishes regulations governing the issuance of a permit by a local government unit for the installation of small wireless facilities.

#### Section

- 1 [237.162] **Subd. 2. Local government unit.** Amends the definition to include the Metropolitan Council.
- 2 [237.162] **Subd. 4. Telecommunications right-of-way user.** Amends the definition to include a wireless provider using a small wireless facility.
- 3 [237.162] **Subd. 9. Management costs or rights-of-way management costs.** Modifies the definition to include a local government unit's (LGU's) costs associated with collocation permits. Specifies that fees charged by an LGU contractor for management activities are not considered to be management costs.
- 4 [237.162] **Subd. 10. Collocate.** Definition.
- 5 [237.162] **Subd. 11. Small wireless facility.** Definition.
- 6 [237.162] **Subd. 12. Utility pole.** Definition.
- 7 [237.162] **Subd. 13. Wireless facility.** Definition.
- 8 [237.162] **Subd. 14. Wireless service.** Definition.
- 9 [237.162] **Subd. 15. Wireless support structure.** Definition.

## Section

- 10 [237.163] **Subd. 2. Generally.** Prohibits a local government unit from establishing a moratorium with respect to processing or issuing collocation permits. Requires that small wireless facilities and support structures be zoned as a permitted use, and that collocation of such does not require zoning approval.
- 11 [237.163] **Subd. 3a. Collocation permits; general.** Limits information that a LGU can require from an applicant to process a collocation permit to that required of providers of nonwireless services, generally. Requires permits to be processed on a nondiscriminatory basis. Provides for the submission of consolidated permits for collocating up to 35 small wireless facilities. Prohibits the requirement of a permit to maintain or replace a small wireless facility.
- 12 [237.163] **Subd. 3b. Collocation permits; placement.** Specifies the authority of a LGU to limit the placement of small wireless facilities with respect to height. A LGU may not require placement on a single utility pole.
- 13 [237.163] **Subd. 3b. Collocation permits; approval.** Establishes factors on which a LGU may condition its approval of a collocation permit. Specifies a process for dealing with incomplete permit applications. Requires automatic approval of a collocation permit by a LGU within 60 days of receipt if the LGU has not approved or denied the permit within that time, unless both parties mutually agree to an extension. A LGU may apply applicable health, safety, and welfare regulations in evaluating permits.
- 14 [237.163] **Subd. 4. Permit denial or revocation.** Specifies that a collocation permit may be denied on the same grounds as a right-of-way permit. Specifies that a permit denial must be made in writing within three days of the denial, and must document the reasons for denial. Allows for resubmission of a revised permit addressing the deficiencies within 30 days of denial without an additional filing fee.
- 15 [237.163] **Subd. 6. Fees.** Places a cap on application fees for collocation permits of the lesser of the fee for comparable commercial construction or \$100 each for up to five small wireless facilities and \$50 for each additional facility. Specifies that a LGU may not require any additional license, franchise, or other agreement with a provider seeking a collocation permit. A LGU may charge rent if a small wireless facility occupies space on a structure owned by the LGU, provided the charge does not exceed the actual, reasonable cost of renting the space.
- 16 [237.163] **Subd. 9. Authorized contractors.** Allows a telecommunications right-of-way user to use a third party to install or maintain facilities it owns, and prohibits a LGU from imposing any additional fees on the third party.