

1 B. Except as provided in ~~this act~~ the Oklahoma Small Wireless
2 Facilities Deployment Act, an authority may not prohibit, regulate
3 or charge for the collocation of small wireless facilities
4 classified as permitted uses in subsection C of this section.

5 C. Small wireless facilities shall be classified as permitted
6 uses and not subject to zoning review or approval if they comply
7 with the height requirements in subsection E of Section ~~3~~ 36-503 of
8 ~~this act~~ title and are collocated in the right-of-way in any zone or
9 outside the right-of-way in property not zoned exclusively for
10 residential single-family or duplex use. Utility poles installed to
11 support small wireless facilities shall be classified as permitted
12 uses and not subject to zoning review or approval if they comply
13 with the height requirements in subsection E of Section ~~3~~ 36-503 of
14 ~~this act~~ title and are collocated in the right-of-way in any zone.

15 D. An authority may require an applicant to obtain one or more
16 permits to collocate a small wireless facility or install a new,
17 modified or replacement utility pole associated with a small
18 wireless facility as provided in Section ~~3~~ 36-503 of ~~this act~~ title,
19 provided such permits are of general applicability for
20 nongovernmental users of the right-of-way and do not apply
21 exclusively to wireless facilities. An authority shall receive
22 applications for, process and issue such permits subject to the
23 following requirements:
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1 1. An authority may not directly or indirectly require an
2 applicant to perform services or provide goods unrelated to the
3 permit, such as in-kind contributions to the authority including
4 reserving fiber, conduit or pole space for the authority;

5 2. An applicant shall not be required to provide more
6 information to obtain a permit than communications service providers
7 that are not wireless providers, provided that an applicant may be
8 required to include construction and engineering drawings and
9 information demonstrating compliance with the criteria in paragraph
10 8 of this subsection and, for an application to collocate on an
11 authority pole, a wireless provider may be required to provide at
12 its expense engineering analysis demonstrating compliance with
13 applicable standards and codes, construction drawings stamped by a
14 professional engineer registered in Oklahoma and a description of
15 any recommended make-ready work, including any modification or
16 replacement of the authority pole;

17 3. An authority may not require the placement of small wireless
18 facilities on any specific utility pole or category of poles or
19 require multiple antenna systems on a single utility pole;

20 4. Subject to subparagraphs e and f of paragraph 8 of this
21 subsection, an authority may not limit the placement of small
22 wireless facilities by minimum separation distances;

23 5. The authority may require an applicant to include an
24 attestation that the small wireless facilities will be operational

1 for use by a wireless services provider within one (1) year after
2 the permit issuance date, unless the authority and the applicant
3 agree to extend this period or delay is caused by lack of commercial
4 power or communications transport facilities to the site;

5 6. Within twenty (20) days of receiving an application, an
6 authority must determine and notify the applicant in writing whether
7 the application is complete. If an application is incomplete, an
8 authority must specifically identify the missing information in
9 writing. The processing deadline in paragraph 7 of this subsection
10 is tolled from the time the authority sends the notice of
11 incompleteness to the time the applicant provides the missing
12 information. That processing deadline also may be tolled by
13 agreement of the applicant and the authority;

14 7. An application shall be processed on a nondiscriminatory
15 basis and ~~deemed approved if the authority fails to approve or deny~~
16 ~~the application within seventy-five (75) days of receipt of the~~
17 ~~application~~ in a time frame established by the Federal
18 Communications Commission pursuant to 47 C.F.R. 1.6003(c);

19 8. An authority may deny a proposed collocation of a small
20 wireless facility or installation, modification or replacement of a
21 utility pole that meets the height requirements in subsection E of
22 Section ~~3~~ 36-503 of this ~~act~~ title only if the proposed application:
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- 1 a. materially interferes with the safe operation of
2 traffic control equipment or emergency management
3 systems or devices,
- 4 b. materially interferes with sight lines or clear zones
5 for transportation or pedestrians,
- 6 c. materially interferes with compliance with the
7 Americans with Disabilities Act or similar federal or
8 state standards regarding pedestrian access or
9 movement,
- 10 d. materially interferes with Federal Aviation
11 Administration requirements or the operation of an
12 airport or air traffic,
- 13 e. fails to comply with reasonable and nondiscriminatory
14 spacing requirements of general application adopted by
15 ordinance that concern the location of new utility
16 poles. Such spacing requirements shall not prevent a
17 wireless provider from serving any location,
- 18 f. with respect to ground-mounted equipment, fails to
19 comply with reasonable and nondiscriminatory
20 requirements of general application adopted by
21 ordinance that concern spacing of the ground-mounted
22 equipment; interference with sight lines, clear zones
23 or pedestrian access or movement; unhindered use of
24 the right-of-way by other right-of-way occupants,

1 including the authority; or design or concealment
2 measures in a historic district required under
3 subsection I of Section ~~3~~ 36-503 of this ~~act~~ title,

- 4 g. fails to comply with applicable codes, including
5 without limitation the most recent version of the
6 National Electrical Safety Code,
7 h. fails to comply with subsections D, G, H and I of
8 Section ~~3~~ 36-503 of this ~~act~~ title,
9 i. causes the utility pole or wireless support structure
10 to become structurally unsound, unless the applicant
11 demonstrates that it will address the problem
12 adequately, such as by modifying or replacing the
13 structure, or
14 j. materially interferes with the intended use of an
15 authority pole;

16 9. The authority shall document the basis for a denial,
17 including the specific code provisions on which the denial was
18 based, and send the documentation to the applicant on or before the
19 day the authority denies an application. The applicant may cure the
20 deficiencies identified by the authority and resubmit the
21 application within thirty (30) days of the denial without paying an
22 additional application fee. The authority shall approve or deny the
23 revised application within thirty (30) days. Any subsequent review
24 shall be limited to the deficiencies cited in the denial;

1 10. An applicant seeking to collocate small wireless facilities
2 within the jurisdiction of a single authority shall be allowed at
3 the applicant's discretion to file a consolidated application for
4 the collocation of up to twenty-five small wireless facilities and
5 receive a single permit; provided, however, the denial of one or
6 more small wireless facilities in a consolidated application shall
7 not delay processing of any other small wireless facilities in the
8 same batch;

9 11. Installation or collocation for which a permit is granted
10 pursuant to this section shall be completed within one (1) year
11 after the permit issuance date, unless the authority and the
12 applicant agree to extend this period, or a delay is caused by the
13 lack of commercial power or communications facilities at the site.
14 Approval of an application authorizes the applicant to:

- 15 a. undertake the installation or collocation, and
- 16 b. subject to applicable relocation requirements and the
17 applicant's right to terminate at any time, operate
18 and maintain the small wireless facilities and any
19 associated utility pole covered by the permit for a
20 period of not less than ten (10) years, which must be
21 renewed for equivalent durations so long as they are
22 in compliance with the criteria set forth in paragraph
23 8 of this subsection;

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1 12. Wireless providers shall comply with relocation
2 requirements that apply to similarly situated occupants of the
3 right-of-way; and

4 13. An authority may not institute, either expressly or de
5 facto, a moratorium on:

- 6 a. filing, receiving or processing applications, or
- 7 b. issuing permits or other approvals, if any, for the
8 collocation of small wireless facilities or the
9 installation, modification or replacement of utility
10 poles to support small wireless facilities.

11 E. An authority shall not require an application for the
12 following:

- 13 1. Routine maintenance;
- 14 2. The replacement of small wireless facilities with small
15 wireless facilities that are substantially similar or the same size
16 or smaller; or
- 17 3. For the installation, placement, maintenance, operation or
18 replacement of micro wireless facilities that are strung on cables
19 between existing utility poles, in compliance with the National
20 Electrical Safety Code.

21 An authority may, however, require a permit to work within the
22 right-of-way for such activities, if applicable. Any such permits
23 shall not be subject to the requirements provided in subsections C
24 and D of this section.

SECTION 2. This act shall become effective November 1, 2023.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/13/2023 - DO PASS.