

REPRESENTATIVE STATE SMALL CELL LEGISLATION

In defining small cells, these statutes expressly exclude wireline facilities.

NC: <https://www.ncleg.net/Sessions/2017/Bills/House/PDF/H310v7.pdf> (enacted 2017)

The definitions of “small wireless facility” and “wireless facility” are on pages 3-4.

The exclusions from the definition of wireless facility are on page 4:

“The term shall not include any of the following: a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated. b. Wireline backhaul facilities. c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.”

FL: <http://laws.flrules.org/2017/136> (enacted 2017)

The definition of “small wireless facility” is on pages 3-4. The definition of “wireless facility” is on page 4.

The exclusions from the definition of wireless facility are on page 4:

“The term does not include: a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated; b. Wireline backhaul facilities; or c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.”

MN:

https://www.revisor.mn.gov/bills/text.php?number=SF1456&version=0&session=ls90.0&session_year=2017&session_number=0&type=ccr (enacted 2017)

This is a large omnibus bill; small cell discussion starts on page 154 of the PDF.

The definition of “small wireless facility” is on page 155. The definition of “wireless facility” is on page 156.

The exclusions from the definition of wireless facility are on page 156:

“‘Wireless facility’ does not include: (1) wireless support structures; (2) wireline backhaul facilities; or (3) coaxial or fiber-optic cables (i) between utility poles or wireless support structures, or (ii) that are not otherwise immediately adjacent to or directly associated with a specific antenna.”

The definition of “wireline backhaul facility” is on page 157:

“‘Wireline backhaul facility’ means a facility used to transport communications data by wire from a wireless facility to a communications network.”

GA: <https://protect-us.mimecast.com/s/jLPpCrkMkzSw3YKYC7EWze?domain=legis.ga.gov> (passed state Senate 2018)

The definitions of “small cell wireless facility” and “wireless facility” are on page 4.

The exclusions from the definition of wireless facility are on pages 4-5:

“Such term shall not include the structure or improvements on, under, or within which the equipment is collocated nor shall it include wireline backhaul facilities or coaxial or fiber optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.”

“‘Wireline backhaul facility’ means an above-ground or underground facility used to transport communications data from a wireless facility to a network.”