

TRANSMITTAL No. 2

**Clayton White - City of Los Angeles letter of consideration from Verizon**

**From:** "Cooksey, Julia" <julia.r.cooksey@verizon.com>  
**To:** "Clayton White" <Clayton.White@lacity.org>  
**Date:** 4/30/2009 4:39 PM  
**Subject:** City of Los Angeles letter of consideration from Verizon  
**CC:** "Cooksey, Julia" <julia.r.cooksey@verizon.com>

Good afternoon Clayton,

Below is the Verizon response to the City's concerns for review and consideration.

**Concern 1:** There is no evidence of compelling need. Necessity has been the criterion used by BSS-IED in deciding whether to allow a commercial entity to maintain equipment in the public right-of-way. The Above Ground Facilities (AGF) ordinance was enacted to satisfy the need for installation and maintenance of telecommunications equipment in the public way. No evidence has been presented that the ordinance is insufficient.

**Verizon response:** The basis for allowing Verizon to utilize the Right of Way is CPUC sections 7901 and 7901.1, which allow Verizon to operate within the public right of way as a telecommunications provider. The AGF ordinance specifically and intentionally excludes pole mounted facilities. The City chose to exclude pole mounted facilities when it adopted the recommendations of its Chief Legislative Analyst, per the City's Information Technology and General Services Committee report adopted on May 28, 2002. Verizon referenced page 3 of that report and Section 9 of the AGF ordinance to both BOE and BSS at the April 10 meeting. It is notable that in the previous three meetings, BSS never mentioned this concern in general or as a factor in its decision-making.

**Concern 2:** The AGF ordinance was carefully constructed after much discussion and input from the telecommunications industry and other stakeholders. The idea of extending the ordinance to cover equipment mounted on utility poles was discussed. Instead, it was decided to require installations to be on concrete foundations on the ground. Low-height mounting on utility poles would allow the cabinets to evade carefully constructed specifications and aesthetic and fee requirements that apply to equipment installed on the ground.

**Verizon response:** The AGF does not mandate any specific form of installation, but rather provides specifications when placing pedestal-type installations. The concrete pad was required for aesthetic purposes and to insure stability of the AGF and uniformity with the existing sidewalk. Low height mountings still require adherence to carefully considered CAPUC G.O. 95 and Joint Pole Committee specifications as well as compliance with federal ADA requirements. In this regard, the City is an active member of the Southern California Joint Pole Association (JPA). As an active member of the JPA, the City has the ability to make recommendations to alter or add new specifications regarding pole mounted hubs but has yet to do so. When it formulated the AGF ordinance, the City made a conscious decision to exclude pole mounted facilities from any fee-type permits, in part, due to its appreciation that carefully considered specifications for pole mounted facilities already existed. As mentioned at every City meeting to date, low mounted hubs were a common method of installation for a number of utilities, including Verizon, for many years prior to the AGF ordinance and Verizon's FTTP program.

**Concern 3:** Allowing Verizon to mount equipment at low-height on utility poles opens the door to other companies to do the same. The City would not be able to deny to other companies a privilege it has granted to one. If we were to do so, we would likely face a charge of giving a competitive advantage to one company. Such a scenario has happened in the past. As a result, we could wind up with multiple

TRANSMITTAL #2

**Concern 4:** With respect to the cabinets that have already been installed, we have received a number of reports of injuries to pedestrians and riders from bumping into them. In addition, we've received complaints from Neighborhood Councils where the cabinets are already installed about graffitied cabinets. The Neighborhood Councils oppose maintenance of the cabinets at low-height, but do not oppose cabinets that would be mounted higher up on poles, out of the plane of travel.

**Verizon response:** Verizon has yet to be provided the nature or location of the reported injuries even though Verizon has requested the information at every meeting where this issue has been discussed, including the April 10th meeting. Verizon acknowledges that safety is a concern and has been very candid in expressing its desire to address any location that is deemed unsafe or where damage or injury may have occurred. Verizon acknowledges the graffiti issue and maintains a strict Graffiti Mitigation plan that has been presented to the City. In an effort to minimize and mitigate graffiti issues, Verizon has agreed to comply with the identification clause of the AGF ordinance for all pole mounted facilities even though they are excluded from that ordinance. Finally, the Neighborhood Councils have not expressly accepted the concept of cabinets mounted higher up on the pole. In fact, two separate Neighborhood Councils have indicated specific locations where cabinets mounted higher on the pole would be unacceptable.

Please let me know if you have any questions.

Julia Cooksey  
Verizon  
Director, Government and External Affairs  
Los Angeles, California  
310-260-7725  
[www.Verizon.com/ca](http://www.Verizon.com/ca)