



# TACIR

The Tennessee Advisory Commission  
on Intergovernmental Relations



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## **MEMORANDUM**

**TO:** Commission Members

**FROM:** Cliff Lippard  
Executive Director

**DATE:** 17 December 2020

**SUBJECT:** Public Chapter 819, Acts of 2018 (Small Cell)—Final Report for Approval

The attached Commission report is submitted for your approval. It was prepared in response to Public Chapter 819, Acts of 2018, which both created a framework governing the regulation of small cell wireless facilities in public rights-of-way and directed the Commission to study the effects of the Act, including

- the effect on deployment of broadband;
- the fiscal effect on local governments and the state resulting from the administrative process required by the Act;
- best practices both from the perspective of small cell applicants, local governments, and the state and from a review of other states; and
- opportunities to advance the quality of transportation in the state by utilizing technological applications, sometimes referred to as “smart transportation applications,” that are supported by small cells.

The Commission was further directed to make recommendations for any changes to the Act based on the study’s findings.

We have made no significant changes to the draft report since you reviewed it at our November meeting. Because concerns related to the effect of small cells on community aesthetics are unlikely to diminish as the number of small cells increases, the report includes two recommendations: First, the report **encourages local governments to both update existing ordinances that set aesthetic standards for their communities to**

**ensure their requirements apply to small cells and include small cells in any new standards they adopt.**

**Second, the report finds that the General Assembly could consider authorizing local governments to require colocation of small cells in areas with existing poles. Care would need to be taken to ensure this authority could not be used to block the deployment of small cells in situations where applicants can demonstrate that colocation is not feasible either for technical reasons or because of added costs, like limitations on colocation requirements adopted in Georgia. Regardless, some new poles will be necessary to improve wireless service given the limited distance traveled by some of the wireless signals used by providers. And because colocation will likely involve the use of electric utility poles, any colocation requirements should also ensure the continued authority of local power companies to protect the safety and reliability of the electric grid.**