City of Sebastopol

CITY OF SEBASTOPOL CITY COUNCIL
AGENDA ITEM REPORT FOR MEETING OF: January 6, 2026

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To:	Honorable Mayor and City Councilmembers
From:	Vice Mayor Sandra Maurer
Subject:	Resolution Opposing Federal Communications Commission Proposed Rulemaking 25-276;"Build America: Eliminating Barriers to Wireless Deployments."
Recommendation:	That the City Council Approve the Resolution Opposing FCC Rulemaking 25-276

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RECOMMENDATION:

That the City Council approve the Resolution Opposing Federal Communications Commission Proposed Rulemaking 25-276

EXECUTIVE SUMMARY:

This item is to oppose the Federal Communications Commission (the FCC or Commission) Proposed Rulemaking 25-276, and support the comments by Cal Cities et al, who asked the FCC to withdraw the Proposed Rulemaking.

The FCC states,"With this Notice of Proposed Rulemaking (NPRM), we advance the Commission's Build America Agenda by proposing reforms that would free towers and other wireless infrastructure from regulatory burdens imposed at the state and local level. This NPRM answers President Trump's call across the federal government to expedite, eliminate, and simplify permitting burdens that inhibit economic development, job creation, and energy production."

On November 24, 2025, joint comments were filed by the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC) and the League of California Cities (Cal Cities) jointly called Cal Cities et al.

Cal Cities et al asked the FCC to withdraw FCC 25-276 stating *"Congress preserved state and local authority for a reason, and communities cannot afford polices that place haste over safety, or uniformity over local judgement."*

Cal Cities et al letter is attached.

Initial Comments were due December 31, 2025 and Reply Comments are due January 15, 2026. The proposed Sebastopol Resolution would be submitted as Reply comments in support of Cal Cities et al request to withdraw FCC 25-276.

PROCESS OF AGENDA ITEM ONLY IF PULLED FROM THE CONSENT CALENDAR:

a. Presentation of agenda item by Vice Mayor Sandra Maurer
b. Questions and discussion from Councilmembers
c. Public comment period
d. Action: Approve/Deny

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BACKGROUND:

The FCC's Notice of Proposed Rulemaking (NPRM), titled Build America: Eliminating Barriers to Wireless Deployments, is part of an initiative to accelerate the deployment of wireless infrastructure nationwide. The proposed rules seek to:

- Fast-track approvals: Impose strict timelines (known as "shot clocks") for local governments to approve applications, with automatic approval if the deadline is missed.
- Limit local authority: Restrict the ability of cities and counties to set their own zoning ordinances, aesthetic conditions, and safety standards.
- Cap fees: Standardize or cap the fees local governments can charge for application reviews and use of public rights-of-way.
- Expand federal preemption: Broaden the types of applications that qualify for expedited federal review under Section 6409(a) of the Spectrum Act of 2012, which would force local governments to approve certain modifications to existing towers regardless of local opposition.

DISCUSSION:

The FCC sought comments on the following proposals:

Eligible Facilities Requests – The FCC proposes to revise its rules in 47 C.F.R. Section 1.6100 to codify a prior interpretation struck down by the Ninth Circuit in 2024. Specifically:

- Concealment Elements – The proposed rule would limit "concealment elements" to stealth-designed facilities intended to make towers or base stations appear as something else; modifications would defeat concealment only if they make the design ineffective.
- Siting Approval Conditions – The FCC proposes to prohibit localities from finding a proposed modification to an existing facility that changes aesthetics related conditions does not comply with the prior siting approval conditions.
- Permit Duration and Renewals – The FCC invites comment on the relationship between time-limited conditional use permits (CUPs) and eligible facilities requests, including whether local governments can, through the CUP renewal process, impose new conditions on previously approved eligible facilities requests.

Expanding Federal Rules Limiting Local Siting Authority – Noting that the FCC's 2018 Small Cell Order was partially overturned by the Ninth Circuit in 2020, the FCC now proposes to expand its "reforms" with adjustments to its rules governing macro facilities and to look for other ways to further streamline wireless siting processes. No specific rule text is proposed, but the FCC is seeking comments on various actions that it could take to preempt state and local requirements that:

- Inhibit the deployment of macro cell towers and other wireless facilities
- Impose unreasonable delays of permitting approvals
- Assess disproportionate or otherwise unreasonable fees
- Condition approval on aesthetic or similar criteria
- Impose other regulatory impediments that violate federal law and FCC rules

The NPRM describes allegedly troublesome practices by numerous local governments identified by name.

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The FCC also seeks comments on creating a "rocket docket" at the FCC to resolve wireless disputes between providers and local governments. This proposal may be contrary to statutory language indicating Congress intended that local federal courts be the venue for all non-RF-related disputes, rather than the FCC in Washington D.C.

Although the public comment is closed; the response period for reply comments to comments received are due by January 15 2026. The attached resolution addresses the request that Cities such as Sebastopol maintain authority over wireless infrastructure oversight under federal law to safeguard public safety and welfare, reliability and resiliency of wireless telecommunications services, consumer protection, and the public rights-of-way. There is also the need for transparent FCC processes that allow local governments such as Sebastopol a fair and reasonable opportunity to be heard in wireless permit disputes. This proposal would override local zoning and force wireless facilities into residential areas without due process, consent, or environmental review.

Attached is a letter signed by the Rural County Representatives of California (RCRC); the California State Association of Counties (CSAC), and the League of Ca Cities (Cal Cities) also opposed the Notice of Proposed Rulemaking 25-276.

I urge the Council to support the attached Resolution opposing the Notice of Proposed Rulemaking 25-276.

CITY COUNCIL GOALS/PRIORITIES; AND/OR GENERAL PLAN CONSISTENCY:

This agenda item represents the City Council goals/priorities as follows:
Goal 4: HIGH PERFORMANCE ORGANIZATION
Restoring public trust
Improve Public Communications

COMMUNITY OUTREACH:

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date. The City has also used social media to promote and advertise the City Council Meeting Agenda Items.

As of the writing of this agenda item report, the City has not received public comment. If staff receives public comments following the publication and distribution of this agenda item report, such comments will be provided to the City Council as supplemental materials before or at the meeting and will be posted to the city website.

FISCAL IMPACT:

There is no fiscal impact with approval of this item.

RESTATED RECOMMENDATION:

That the City Council approve the Resolution Opposing Federal Communications Commission Proposed Rulemaking 25-276

OPTIONS:

1. Deny the request to approve the Resolution;
2. Approve the Resolution with amendments

ATTACHMENTS:

1. Resolution
2. Rural County Representatives of California (RCRC); the California State Association of Counties (CSAC), and the League of Ca Cities (Cal Cities) Letter dated November 24, 2025

CITY OF SEBASTOPOL
RESOLUTION NO. XXXX-2026

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL OPPOSING FEDERAL COMMUNICATIONS COMMISSION PROPOSED RULEMAKING 25-276

WHEREAS, the Federal Communications Commission (FCC) issued a Notice of Proposed Rule Making 25-276 "Build America: Eliminating Barriers to Wireless Deployments"; and

WHEREAS, the FCC states, "With this Notice of Proposed Rulemaking (NPRM), we advance the Commission's Build America Agenda by proposing reforms that would free towers and other wireless infrastructure from regulatory burdens imposed at the state and local level. This NPRM answers President Trump's call across the federal government to expedite, eliminate, and simplify permitting burdens that inhibit economic development, job creation, and energy production."; and

WHEREAS, on November 24, 2025 Joint Comments were filed by the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC) and the League of California Cities (Cal Cities), hereafter called Cal Cities et al; and

WHEREAS, Cal Cities et al expressed concerns about FCC 25-276 and stated, "For years, our cities and counties have worked to welcome wireless infrastructure while protecting the people who live closest to it."; and

WHEREAS, Cal Cities et al wrote, "Congress spoke very clearly when drafting Sections 253 and 332 of the Communications Act. Under 47 U.S.C. § 253 (b) and (c), state and local governments retain the authority (and responsibility) to protect public safety, preserve service quality, safeguard consumer rights, and manage the public rights-of-way on fair and competitively neutral terms."; and

WHEREAS, the City of Sebastopol, like all local governments across the United States, would have its ability to regulate the siting of cell towers and wireless infrastructure severely constrained, if not eliminated, by the NPRM; and

WHEREAS, Cal Cities et al stated: "Local elected leaders must evaluate proposals not simply as abstract deployments, but as physical structures placed near homes, schools, fire access roads, evacuation corridors, and critical community assets."; and

WHEREAS, Cal Cities et al asked the FCC to withdraw FCC 25-276 stating "Congress preserved state and local authority for a reason, and communities cannot afford polices that place haste over safety, or uniformity over local judgement."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sebastopol opposes FCC Proposed Rulemaking 25-276, and agrees with Cal Cities et al that the FCC should withdraw the Notice of Proposed Rulemaking

IN COUNCIL DULY PASSED, APPROVED AND ADOPTED this 6th day of January 2026.

VOTE:
AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____
Mayor Jill McLewis

ATTEST: _____
Mary Gourley, Interim City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Alex Mog, City Attorney

November 24, 2025

Marlene H. Dortch
Secretary, Office of the Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

RE: Notice of Proposed Rulemaking, WT Docket No. 25-276

Submitted to Electronic Comment Filing System

Dear Secretary Dortch:

On behalf of the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), the League of California Cities (Cal Cities), we write to express concerns and provide recommendations regarding the Federal Communications Commission (FCC) Notice of Proposed Rulemaking (NPRM) in the matter of "Build America: Eliminating Barriers to Wireless Deployments."

Our members are deeply committed to facilitating the timely, safe, cost-effective deployment of telecommunications infrastructure. For years, our cities and counties have worked to welcome wireless infrastructure while protecting the people who live closest to it. We share the Commission's goal of bringing modern telecommunications options to communities that have waited too long for technological upgrades. But we also understand the realities on the ground, where local governments must reconcile deployment with wildfire risk, steep topography, historic downtowns, emergency evacuation routes, environmental protection, and fragile infrastructure that literally holds up our communities. The best policies recognize this partnership, rather than brush it aside.

As you may know, local governments are extensively involved in the approval of wireless structures and facilities on two primary fronts: 1) Boards of Supervisors and City Councils are elected to serve the local community interests and subsequently ensure that wireless telecommunication structures and facilities adhere to local land-use ordinances and zoning regulations; and 2) provide final approval for wireless telecommunication facilities and structure proposals that may be controversial and/or may pose a local health and safety risk. Local elected leaders must evaluate proposals not simply as abstract

deployments, but as physical structures placed near homes, schools, fire access roads, evacuation corridors, and critical community assets.

California's rural and underserved communities could stand to benefit tremendously from the expansion and deployment of wireless telecommunications facilities, especially where service is inadequate or nonexistent. However, we believe the NPRM would, at best, pave the way to increase deployment in well-served, urbanized, profitable markets while high-cost, less dense regions would shoulder increased risks and fewer safeguards. In many ways, this mirrors the experience of our jurisdictions where promises of quality service never materialize, but pressure to waive, override, and disregard minimum protections continue.

This tension is especially visible in the NPRM's approach. Congress spoke very clearly when drafting Sections 253 and 332 of the Communications Act. Under 47 U.S.C. § 253 (b) and (c), state and local governments retain the authority (and responsibility) to protect public safety, preserve service quality, safeguard consumer rights, and manage the public rights-of-way on fair and competitively neutral terms. The NPRM acknowledges these subsections preserve state authority to adopt competitively neutral requirements "necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications service, and safeguard the rights of consumers."[1] For decades, this language has formed the backbone of a cooperative federalism system that allows state and local governments to ensure the safety of telecommunications infrastructure while still accommodating new technology.

These concerns are not theoretical in California. Critically, the state of California, through state law and a regulatory framework established by the California Public Utilities Commission (CPUC), has developed resiliency standards such as 72-hour back-up power requirements in the highest fire risk (and, therefore, largely rural) areas of the state, as well as through other means such as network redundancy, network hardening, emergency preparedness planning with a qualified workforce, and coordination with other utilities and emergency responders. These standards exist because many high-risk areas have lived through multiple catastrophic wildfires and because wireless communications often fail at the exact moments communities need them the most.

For entities such as the California Telecommunications Industry Association (CTIA) to portray such measures as a barrier to deploy wireless infrastructure is as much as farce as it is disingenuous. The NPRM goes so far as to highlight CTIA's complaints regarding challenges associated with generator replacement and backup power,[2] but fails to reconcile those claims with the statutory protections states have to do so under Section 253 (b). For instance, these "requirements," as currently constructed by the CPUC, have no current penalty mechanisms and contain overly broad exemptions, such as allowing giant for-profit wireless companies the ability to self-determine whether it would be

[1] NPRM ¶ 13.
[2] See ex parte letter from Any Bender, Vice President, Regulatory Affairs, CTIA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 25-276 (filed September 22, 2025).

infeasible (either financially or physically) to adopt resiliency strategies to maintain a sufficient level of service to access 9-1-1. In effect, the deregulated communications marketplace in California that CTIA bemoans has resulted in a race to the bottom where providers are providing the least reliable service at unaffordable rates without any minimum level of service in communities with the least amount of alternative options.

Furthermore, the NPRM also considers accelerated timelines and a form of procedural "rocket docket." Smaller jurisdictions with limited staff cannot accurately evaluate complex applications within a shortened or unreasonable time frame. Unrealistic timelines, therefore, threaten to silence the very people who must live with the consequences. The NPRM requests comment on expanding or revising the Commission's existing shot-clock rules, including whether additional accelerated timelines should apply to macro facilities.[3] If applications are rushed through or "deemed granted" without adequate review, the responsibility for any resulting harm rests not with the applicant, but with the local authority left to deal with the aftermath. We strongly oppose a "rocket docket," but nevertheless any accelerated process must ensure that all parties have due process with a fair and reasonable opportunity to be heard.

Again, we support responsible telecommunications infrastructure deployment and our members work with carriers every day to make that goal a reality. Congress preserved state and local authority for a reason, and communities cannot afford polices that place haste over safety, or uniformity over local judgement. For these reasons, we urge the Commission to withdraw this NPRM.

Thank you for your consideration of these comments. Should you have any questions, please do not hesitate to contact Tracy Rhine (RCRC) at trhine@rcrcnet.org, Mark Neuburger (CSAC) at mneuburger@counties.org, or Damon Conklin (Cal Cities) at dconklin@calcities.org.

Sincerely,

Mark Neuburger
Legislative Advocate
CSAC

Tracy Rhine
Senior Policy Advocate
RCRC

Damon Conklin
Legislative Advocate
Cal Cities

[3] NPRM ¶ ¶ 5, 29.