



# STAFF REPORT

AGENDA NO: 9g

MEETING DATE: January 20, 2025

**To:** Honorable Mayor and City Council

**Date:** January 20, 2026

**From:** Michael Guina, City Attorney – (650) 558-7263  
Tamar Burke, Assistant City Attorney – (650) 558-7275

**Subject:** Adoption of a Resolution Authorizing the City Attorney to Join the Coalition Providing Comment on the Proposed Federal Communications Commission (FCC) Rulemaking Addressing Local Regulation of Wireless Facilities

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## **RECOMMENDATION**

Staff recommends that the City Council authorize the City Attorney to join a coalition of local governments across the country in submitting comments regarding the proposed Federal Communications Commission (“FCC”) rules addressing local regulation of wireless facilities.

## **BACKGROUND**

The FCC launched an administrative proceeding (a Notice of Rulemaking) in September 2025, aimed at significant preemption of local authority over the placement and permitting of wireless facilities, including new shot clocks for local action and limits on permit fees and rent charged for use of public property. The Proposed Rulemaking is currently underway, with the telecommunications industry submitting comments asserting that local regulation of wireless facilities violates federal law by prohibiting or effectively prohibiting the development of telecommunications systems.

Staff requests authorization to join a coalition of local governments across the country to submit comments on the FCC’s proposal and lodge objections and rebuttals to the industry’s claims on the same. These comments could serve as a basis for a legal challenge should the FCC ultimately issue regulations overriding local regulation.

## **DISCUSSION**

On September 30, 2025, the FCC issued a Notice of Proposed Rulemaking (“Notice”) entitled, “Build America: Eliminating Barriers to Wireless Deployments.” (See link included as Exhibit A.) The Notice proposes “reforms that would free towers and other wireless infrastructure from regulatory burdens imposed at the state and local level.” Through this process, the FCC may expand rules implementing federal laws that mandate local approval of collocation, removal or replacement of transmission equipment on existing wireless towers or base stations that does not “substantially change” their physical dimensions. The Notice seeks comments as to whether the FCC should take further steps to “ensure that state and local permitting regulations do not prohibit

or have the effect of prohibiting the deployment of wireless infrastructure facilities" under the federal Telecommunications Act, building on rules issued in 2018. The FCC has asserted in this Notice that state and local jurisdictions have inhibited the deployment, densification, and upgrading of wireless networks, whether through purported permit delays, unreasonable fees, aesthetic requirements, or other local rules, which it suggests has resulted in an effected prohibition on 5G wireless services.

The Burlingame Municipal Code currently balances the need for robust wireless facilities and connectivity with local safety and aesthetic concerns. (See Burlingame Municipal Code § 25.48.300.) The FCC's proposed rules could strip the City of this authority and impose burdensome deadlines for City action on applications for wireless facilities. Submitting comments on behalf of the City defends local authority to exercise their police powers and proprietary rights. The Coalition has already filed comments with the FCC (See Exhibit B.) Upon authorization from the Council, the City would join the Coalition's subsequent filings.

Please note that the FCC has simultaneously issued a separate Notice of Inquiry entitled, "Build America: Eliminating Barriers to Wireline Deployments" (Docket No. 25-253.) This notice seeks information from stakeholders regarding wired broadband and deployments, as opposed to wireless facilities, including comments on right of way access, permitting fees, and other related matters. This is separate from the Notice of Proposed Rulemaking relating to wireless facilities and will result in either a declaratory ruling or a notice of proposed rulemaking relating to wireline, broadband deployments. The City Attorney's Office will track this Notice of inquiry and provide updates as relevant.

## **FISCAL IMPACT**

There is no fiscal impact in authorizing joining the Coalition. The approximate cost of participation in the Coalition is \$3,000. The City Attorney's office maintains a sufficient budget to cover these costs.

Exhibits:

- A. [FCC Notice of Proposed Rulemaking 25-276](#)
- B. Coalition Comments filed December 31, 2025