



City Hall
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Date: February 7th, 2018

To: House Energy, Utilities and Telecommunications Committee Members

From: City of Overland Park

Re: Written Testimony in Opposition to HB 2462

Thank you for allowing the City of Overland Park (“City”) to submit testimony in opposition of HB 2462.

Overland Park’s fiber optic infrastructure is a crucial utility. The City (and other agencies) rely on the City’s fiber infrastructure to provide all network, internet and application access to employees in order to carry out day to day operations. This includes life-safety critical applications for public safety, and business critical applications for all other City departments and other functions, including citizen facing services such as our website.

Estimating the type of technology and transmission needs that will be required in the next 50 years is impossible. To obtain increased bandwidth speeds, the bonding of multiple strands of fiber is often required. City Staff are not able to determine how many strands of fiber we will need to any particular building past five years, not to mention 50. The needs of applications and use of bandwidth changes drastically in short periods of time based on new technology that is released. There are currently some spots within Overland Park where the City is struggling to have enough fiber for traffic signals and infrastructure. Additionally, the City currently has agreements with local government agencies (school districts, County, local municipalities) to utilize City fiber, and these entities too will have the same problem of determining how many strands of fiber they will need in the future.

Damage to City fiber has serious implications for disrupting traffic lines, phone lines, emergency services, other critical functions, and perhaps most importantly the City's ability to coordinate its public safety communications. Fiber optic cable, at its core, is glass. While it's wrapped in multiple layers, it can still be easily damaged by improper handling, bending, pinching and multiple other means. Damage to the fiber can make the connection unusable, and at the very least will make the connection unreliable. While the City has some fiber path redundancies in place that could aid in the event a fiber path is damaged to a specific building, many City buildings have a single fiber connection to the core network and to the outside world. As such, damage to that connection would halt operations of the entire building.

House Bill 2462 causes the City great concern as it would allow any number of outside entities to have access to the City's fiber, which would lead to multiple opportunities for City fiber to be damaged. Regarding the agreements the City has with other public agencies to use City fiber, under these Agreement the City is able to determine what contractor is used and to coordinate and closely oversee the work being completed. If any number of outside entities are allowed to access our infrastructure the probability of damage occurring is incredibly high.

Even after outside entities would make the initial connection - if the outside entities would have any troubles with the connection/splice, they will need to access the fiber again. Additionally, when the outside entities would have to locate their underground fiber (which can happen frequently), there is opportunity to damage City fiber. Just last year the City discovered damaged fiber that occurred due to a contractor performing a locate. It was done while the fiber was inactive so the time of damage and responsible party is unknown. The City had to pay for the repair of this fiber.

Repairing damaged fiber is time consuming and expensive. Additionally, the time to troubleshoot the issue to get to the point where fiber is determined to be the issue can also take an extensive amount of time as the symptoms can often appear as network electronics related. This can cause reduced productivity for the users and wasted City staff time.

The City also has some fiber that is over 15 years old and is becoming increasingly brittle. Everytime this fiber is accessed, the probability of damage is even greater.

This legislation would also have the potential to expose governmental entities such as the City to civil liability for damages caused by City operations interfering with a private entity's use of City fiber.

There also may be restrictions on allowing other entities to use the City's dark fiber which was paid for with federal funds by anyone other than the public agency that originally installed it. If

this bill were to pass and created a conflict with federal guidelines and restrictions, that could cause the loss of federal/state funding or reimbursement for the City due to private industry access.

Additional issues that would arise if this bill is passed would be:

- If fiber is leased to outside entities and the City then discovers it needs additional fiber, would the City be required to bear the cost of installing that additional fiber because it's dark fiber is being used by outside entities?
- Will the outside entities be required to notify the City everytime they need to access the fiber?
- Will City staff be allowed to oversee the work? And, if so, will the City be entitled to reimbursement for staff time and resources expended to oversee the work? The City does not have the resources to be on-site at all times when an outside entity may need access.
- What if the City does not have the resources to oversee the work?
- What hours will work in/on the City's fiber be allowed to occur (i.e., normal City business hours)?
- When the City needs to complete fiber work in a splice case that an outside entity is located in, will these outside entities have any concerns with a planned or potential outage?
- If it's in the City's best interest to change how a cable is spliced in a splice case and the outside entity's fiber has to be disconnected for 4+ hours, will the outside entity have issue with that? Or, would the City be liable for damages?

In conclusion, the City of Overland Park strongly opposes this bill as it would open up a great many opportunities for damage to City fiber which would disrupt City operations and services to the public. Further, passage of this bill would lead to serious security issues related to outside entities having access to the City's fiber infrastructure (*especially infrastructure needed and used for public safety and emergency management).

Thank you for allowing the City to testify in opposition legislation. We respectfully request that the Committee not advance this legislation to the full House.