



**Senate Commerce Committee
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State Independent Telephone Association of Kansas (SITA)
Neutral Testimony HB 2701
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Good morning Chairwoman Lynn and members of the Senate Commerce Committee. I am Catherine Moyer, the CEO of Pioneer Communications in Ulysses, Kansas. I appear today on behalf of the Kansas Rural Independent Telecommunications Coalition (KRITC) and the State Independent Telephone Association of Kansas (SITA) to present neutral testimony regarding HB 2701.

Previously, in the House Energy, Utilities and Telecommunications Committee hearing on HB 2701, both KRITC and SITA presented neutral testimony. Following passage of HB 2701 and referral to the Commerce Committee, we remain neutral, but want to share our concerns and a suggestion.

KRITC, SITA and the member-companies have always been willing participants in the policy discussions around deployment of broadband, especially rural broadband, in the State of Kansas. The independent companies that comprise KRITC and SITA are the success stories of rural broadband deployment. We are the companies who have been able to provide reliable, affordable rural broadband service extensively in the State of Kansas. We know what it takes to deploy the necessary facilities and what it takes to operated them in a reliable and sustained manner.

We are the people who accepted the State's charge to make services available as described in the public policy this Legislature adopted: "...promote consumer access to a full range of telecommunications services, including advanced telecommunications services that are comparable in urban and rural areas throughout the state; and...advance the development of a statewide telecommunications infrastructure that is capable of supporting applications, such as public safety, telemedicine, services for persons with special needs, distance learning, public library services, access to internet providers and others." Lots of people have lots of ideas about how to expand broadband deployment. We have actually done it.

Because we have always been willing participants in the policy discussions around broadband deployment, and because we have actually deployed broadband, we have an interest in HB 2701. But, we also have a few concerns and a suggestion.

First, the top three concerns:

One—we do not know what we have, or do not have, for broadband deployment in Kansas. There are many providers in Kansas and most measure broadband deployment and availability differently. There are also many maps of broadband deployment and availability floating around. None of those maps are correct. This includes the most recently released FCC broadband map. It is not correct. If we do not know what we have, how do we help solve the problem of what we do not have? We need accurate data in order to determine what the needs are Kansas are.

Two—there are several sources of Federal funding that is just beginning to make their way to Kansas, or that will be making their way soon. The CAF money for the large carriers; ACAM money for some independent companies; likely some additional USF money for rate of return independent companies; CAFII money once the 2018 auction for that money occurs; Mobility Fund money; FirstNet money; the Federal Infrastructure Program. There will at least \$213M coming to Kansas, and probably more, resulting in substantial network investment. How does this money, and substantial investment, change the landscape of broadband deployment and availability in Kansas? Does it change the landscape substantially enough to make conversations now a meaningless exercise?

Three—the task force would be required to submit a report concerning the work and recommendations in January 2019. The concern with this is two-fold. First, for purposes of this testimony, I will assume the task force will hold its first meeting in May. The report and recommendations would be due 9 months later. 9 months is not much time to develop a comprehensive plan amongst very disparate parties. Even if the task force meets once a month, 9 meetings is a short amount of time during which to craft recommendations. And second, there is no defining language around what the recommendations should be. Recommendations for the State Legislature? Recommendations for the Kansas Corporation Commission? Recommendations for the broadband providers? What exactly should be the focus of this task force?

And now, a suggestion:

In order to be productive, this task force needs the policy framework in which to work to submit a recommendation that will be beneficial. The policy questions should be answered by the Legislature, the elected representation of the State of Kansas, not by unelected members of a task force. In our minds, those policy questions include very basic, but extremely important questions:

1. What is the definition of broadband? Different providers will give different answers, usually colored by the limits of the technology utilized by the provider. Is it the FCC's definition of 25/3? Is it something more? Is there a latency definition?
2. The FCC 2018 Broadband Deployment Report states mobile broadband is not a substitute for fixed broadband. Is broadband defined as fixed wired service in Kansas?

3. What is the definition of unserved and underserved? Both are referenced in HB 2701, but neither are defined.

If provided with the policy framework, by elected officials, a task force can then craft recommendations that fit within the framework.

This topic is worthy of in-depth conversation, not a rushed undertaking that would simply be window-dressing on a complicated subject. Broadband availability, at an affordable price, is no longer something that is nice to have. It is a necessity for rural economic development and prosperity. We owe this subject substantial discussion time.

This topic is worthy of accurate data. No discussion will be accurate until there is a complete picture of where Kansas stands today, and what the influx of federal dollars means to broadband deployment in the near future.

This topic is worthy of a sound policy framework. A sound policy framework that has clear objectives and goals and will lead to recommendations worthy of consideration.

At the appropriate time, and in the appropriate manner, the companies of KRITC and SITA are ready to participate.

Thank you for allowing me to appear before you today. I would be happy to stand for any questions you might have.