



March 12, 2019

The Honorable Joe Seiwert
Kansas House of Representatives
Chair, House Energy, Utilities, and Telecommunications Committee
300 SW 10th St.
Topeka, KS 66612

Dear Chair Seiwert:

On behalf of CTIA, the trade association for the wireless communications industry, I write in support of Kansas Senate Bill 68, as amended, which would ensure regulatory certainty for Kansas wireless companies by prohibiting a city from requiring wireless service providers and wireless infrastructure providers to enter into a wireless franchise agreement. SB68 will further promote the swift deployment of small cell facilities – the backbone of 5G technology.

In 2016, the Kansas Legislature was one of the first to recognize the benefits of 5G by overwhelmingly passing the Kansas Wireless Siting Act. The Act was a result of extensive negotiations between legislators, the wireless industry, and local governments in Kansas. It intended to allow wireless service providers and wireless infrastructure providers to deploy small cells in a timely fashion while municipalities continued to manage the public rights of way (ROW). In addition, the Act outlined how municipalities could be compensated for the use of the ROW and municipally-owned infrastructure.

Unfortunately, some municipalities have slowed the deployment of small cell technology by ignoring the Act and using their Home Rule authority to require wireless companies to sign wireless franchise agreements. Negotiations on these agreements can take months and effectively stop providers from deploying next generation technology. In addition, these agreements allow local governments to backdoor additional taxes and fees on wireless consumers. In light of the fact that Kansas wireless consumers shoulder the 12th highest tax and fee burden in the U.S., this situation is untenable. It is also important to note that no other state requires wireless franchise agreements.

This is why it is necessary to pass SB68 - to ensure wireless companies can deploy small cell technology as efficiently and effectively as possible and protect consumers from increased taxes and fees. SB68 does not change existing authority of local governments over the ROW whether through a combination of small cell facility deployment agreements, master license agreements, permitting requirements, or municipal ordinances or codes consistent with federal and state laws. In addition, the bill allows a city to assess the wireless service provider or wireless infrastructure provider a fixed ROW fee for each small cell facility a provider deploys in the ROW. This legislation will ensure that wireless service providers and wireless infrastructure providers can deploy as quickly as possible to meet consumer demand for wireless services.



SB68 builds on the goals of the Wireless Siting Act, which were to create a uniform siting process for wireless infrastructure and provide revenue for local governments while preparing the state for future wireless innovation. This important legislation will help speed deployment of wireless infrastructure and safeguard against delaying future innovation. After extensive discussions with local government groups, language was agreed to prior to the Senate floor vote that moved the League of Kansas Municipalities to a neutral position on the bill. For these reasons, CTIA urges passage of this legislation.

Sincerely,

Gerard Keegan
Vice President
State Legislative Affairs