



House Energy, Utilities & Telecommunications Committee

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Proponent: SB380

March 12, 2020

I appear before you today on behalf of the members of the Kansas Cable Telecommunications Association who serve Kansas consumers, your constituents, in all four corners of the state. The cable industry endeavors to offer the most advanced technology for Kansans, as can be found in any state in the country. Key to our ability to do that in Kansas, is the perseverance of a regulatory environment where competition for customers is fair and open, where we are able to compete for customers with product, pricing and service.

The other key to our ability to make sure Kansas consumers don't get left behind as it relates to having available to them, the best, the necessary, technology to meet their business and social needs,...is investment. There is a fight within most telecommunication providers, a fight for scarce dollars dedicated to upgrading plant, and other technology upgrades, and where those investments are to be made. They tend to go towards states that allow providers to compete on a fair basis in hopes of winning customers. But moreso,, telecommunication companies invest in those states that have regulatory certainty, states that encourage new private capital investment by preventing or removing unnecessary hurdles that stand in the way of deploying technology critical for today's consumer needs.

This is the foundation of the introduction of SB380, and why it is critically important to support and advance this legislation.

SB380 has changed considerably since first being introduced in Senate committee in January. We have reached out, had meetings, and made concessions with every person/entity that had concerns with the bill. The bill before you has over 20 changes as originally introduced, all in an effort to find consensus,...while still fixing the significant problem that is stopping us from deploying this technology statewide.

Please find below some examples of the changes and problems that were addressed in SB380

The bill now affects ONLY a cable companies own network, and the equipment they hang on the equipment they already own, and pay a franchise fee. The bill makes clear that there are protections afforded to cable companies in the bill protecting them from having to pay a double tax for use of their own equipment. The attempt by some cities to collect money and require unreasonable agreements, have stifled deployment of this microwireless service to the detriment of the consumer.

- **All references to wireless services or wireless facilities have been removed from the bill as a compromise.**
- **The bill makes clear that a city will not lose a penny of existing franchise fees paid on video.**

- The bill makes clear that **while a cable company works in the Right of Way, ALL existing obligations remain in effect** requiring proper notice, treatment and protection of the ROW. Cable companies will not be allowed to run “rough shod” in the ROW.
- The bill makes clear that **if cable companies are providing services beyond what this bill allows (ie: small cell services), then the city has the authority to make the cable company play by the same rules** under the small cell part of the statute.
- The bill does not affect existing or future **pole attachment agreements** should cable companies desire to place equipment on poles owned by other entities.
- **We have removed an objectionable part of the bill opposed by the Municipal Electric Utilities**
- At the League’s request **we have added safety standards that cable companies must comply with** if they hang this equipment (a microwireless facility [about the size of a shoebox]) on their own cable strand.

We respectfully ask for your support of SB380