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**Testimony of Patrick Fucik and Ken Schiffman on SB 401
Before the Kansas Senate Utilities Committee
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Thank you Chairman Olson and Members of the Committee. My name is Patrick Fucik and I am the Director of State Government Affairs for Sprint in our West Region. Thank you for the opportunity to present comments on behalf of Sprint in support of SB 401.

I will plan to provide you with some background information on SB 401 and then I will turn it over to Ken Schiffman who will go into more detail with regards to provisions in the bill.

SB 401 would create a new section in Kansas statute related to the siting of wireless facilities and equipment. This new section is intended to facilitate uniform and efficient siting laws throughout Kansas and will provide needed reliability in the process for installing the infrastructure essential for improving wireless communication in all of our communities.

Today, wireless communication is a critical part of our everyday lives. From security to public safety, education to entertainment, fitness to finance, and much more, our lives at home, work and school are more wirelessly connected than ever. Business, consumers and government, including law enforcement, simply depend on it.

Demand for service and bandwidth is soaring. Between 2012 and 2014 alone, transmission of wireless data grew by over 175%, according to CTIA. Research projections predict that by 2019, mobile data traffic will be nearly *six times* the 2014 amount¹. Today, 42% of Kansas households are wireless only². The Pew Research Center also reports that 10% of the population have the means to access the Internet solely through use of their smartphones³. In addition, more than 70% of 911 calls are now made from wireless devices.

In order to accommodate these rapidly growing demands, wireless infrastructure is needed, including small cell facilities that can address data demands in targeted areas. This is why SB 401 is so important. Because siting decisions are often made on a municipality or local level, carriers can be faced with varying fees and siting procedures that can hamper a company's ability to place critical wireless infrastructure throughout the state.

¹ Mobile Data Demand: Growth Forecasts Met, June 22, 2015, <http://www.ctiastat.com/docs/default-source/hot-issues/ctia-the-wireless-association-s-white-paper-mobile-data-demand-growth-forecasts-met-.pdf?sfvrsn=0>

² Centers for Disease Control, "Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, July–December 2013," <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201407.pdf>, last accessed 4/30/2015

³ Pew Research Center, "U.S. Smartphone Use in 2015," April 1st, 2015, <http://www.pewinternet.org/2015/04/01/us-smartphone-use-in-2015/>, last accessed 4/30/2015

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Decisions can take years, stopping needed improvements. SB 401 would build upon rules the Federal Communications Commission (FCC) established in 2009 regarding the timeframes for considering wireless siting decisions. At least 12 other states across the country, including our neighboring states of Colorado, Iowa and Missouri, have moved to enact similar guidelines to enable the deployment of new wireless infrastructure to facilitate broadband deployment. SB 401 ensures Kansas remains competitive in this area.

SB 401 is a simple, straightforward solution. Local governments keep all of their power to exercise zoning and land use authority, and to approve or deny permit applications, consistent with common sense limitations on municipal discretion to require providers to justify the placement of wireless facilities.

SB 401 also contains provisions regarding the limitation of fees, the permitting process, environmental reviews, and general policies that allow for wireless siting to occur in a more efficient and economical way, thereby more quickly bringing the benefits of broadband and wireless deployment to citizens throughout the state. These provisions also mirror what other neighboring states like Missouri, Colorado and Iowa have done to encourage wireless deployment.

I will now turn it over to Ken Schifman who will discuss the highlights of SB 401.

Thank you. Mr. Chairman, members of the Committee: My name is Ken Schifman and I am a Senior Counsel at Sprint. I'll go into a little more detail about the provisions of SB 401. The general philosophy of SB 401 like in various other states, is that statewide uniformity for wireless facility siting and assessments of fees will encourage additional deployment. Some of the specific provisions include:

Fees -- SB 401 limits the application fees that permitting authorities can charge for wireless applications and permits and requires fees to be non-discriminatory compared to other users of the right of the way.

Use of Right of Way -- Allows wireless and wireless infrastructure providers to utilize the right of way for wireless facilities and requires providers to make repairs to ROW.

Public Lands -- Allows Providers to access public lands and buildings at market rates.

Assures Uniformity of Siting Decisions -- SB 401 has multiple provisions to ensure uniformity of siting decisions across the State by:

- Prohibiting an Authority from requiring an applicant to justify its siting decision or demonstrate a specific need for a wireless facility including whether to collocate instead of building a new wireless facility. Deployment involves significant costs to wireless providers and the philosophy is that businesses are in the best position to know whether and what type of additional deployment is necessary.

- Prohibiting an Authority from conditioning wireless siting decisions upon environmental or other approvals that exceed FCC requirements.
- Allowing small cell networks to be deployed based upon the approval of single permit that consolidates multiple nodes.
- Prohibiting an Authority from imposing a moratorium on filing and considering of wireless facilities applications.
- Prohibiting zoning over indoor installations.

Timeframes for Consideration -- Incorporates federal shot clock timeframes of 150 days for new facilities, 90 days for substantial modifications of existing structures, and 60 days for a minor modification. If an Authority fails to issue a decision within these federal timeframes, the application is deemed granted.

Reserves Zoning Authority -- Allows municipalities zoning authority within the confines of SB 401 and federal law.

Overall, Sprint believes the adoption of SB 401 will do much to encourage the deployment of wireless voice and data services. Adoption of uniform and efficient wireless siting policies in Kansas as other states have done will help satisfy customer demands for more coverage, capacity and faster speeds on their wireless devices. Thank you for considering these important issues. We respectfully urge you to support SB 401. We are happy to answer any questions the Committee may have.