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To: Senate Utilities Committee

From: Erik Sartorius, Executive Director

Date: February 8, 2016

RE: Opposition to Senate Bill 401

The League of Kansas Municipalities appreciates the opportunity to submit testimony in opposition to Senate Bill 401.

Local governments strive to balance the needs and values of residents with the conduct of commerce. Mostly, these efforts mesh very well. When they do not, however, a balancing of the needs of various interests best serves the community. SB 401 currently tilts too strongly toward a "one size fits all" approach, crowding out the ability of municipalities to reflect and respond to community priorities.

Several cities have submitted testimony to you today in opposition to Senate Bill 401. Their testimony is significant in two ways. First, there is diversity among the cities who have reached out to you, both in terms of size and in geography. This is not an issue that is of concern only to large cities, or only cities in a particular region of Kansas. Second, the issues they raise demonstrate that SB 401 cuts across communities in several, unanticipated ways. These (hopefully) unintended consequences must be addressed.

The League is concerned that, in several areas, SB 401 goes significantly beyond what the Federal Communications Commission requires with respect to wireless telecommunication. The bill limits cities' ability to recover their costs, and to truly receive fair compensation for access to the public right-of-way and public buildings and facilities. This does the public a disservice.

Likening wireless telecommunications facilities to standard commercial development further straightjackets communities. The bill also seeks to compare wireless telecommunications facilities and structures as akin to municipally-owned utilities, a comparison that serves their purposes but does not make sense from a public policy standpoint.

Members of the committee, thank you again for your time. We look forward to working with you and the proponents to try and find a path that protects the interests of the citizens in your cities, while also facilitating the deployment of wireless telecommunications services in Kansas.

SENATE UTILITIES COMMITTEE

DATE: 2-9-16

ATTACHMENT # 5