



**TESTIMONY IN OPPOSITION TO SB 401 – concerning telecommunications;
relating to wireless communications, deployment of equipment; concerning
municipalities and state entities.**

To: Honorable Chairman, Senator Robert Olson
Members of the Senate Committee on Utilities

From: City of Lenexa

Date: February 5, 2016

Honorable Chairman and members of the Senate Committee on Utilities, the City of Lenexa thanks you for the opportunity to provide testimony opposing SB 401.

The City of Lenexa supports efforts to ensure the development of technological advances in video, telecommunications, and broadband services; as well as supporting the use by the general public. The City has works diligently and cooperatively with video, telecommunications, and broadband providers to ensure the City's residents and businesses enjoy full access to these services at fair and competitive rates. The City, however, is concerned that SB 401 will actually hinder the City's ability to responsibly facilitate the provision such services to the City's residents and businesses. Furthermore, the bill interferes with the City's authority to address many of the concerns that residents and businesses have with respect to video, telecommunications, and broadband services.

As stated above, the City already works with service providers to place their facilities in easements, rights-of-way, and other locations throughout the City. While working with service providers, the City is responsible for considering the health, welfare, and safety of its residents and businesses. To do this, the City and State have several laws already in place that address service provider locations while treating service providers competitively neutral. This bill will negate and interfere with the laws already in place. The bill will allow service providers to significantly interfere with the property of the City's residents and business, all of which contain rights-of-way or easements on or adjacent to their property. Furthermore, while this bill only addresses video, telecommunications, and broadband providers, it is likely that the bill will also affect other entities in the City who locate services in rights-of-way or easements. This bill will likely create many unintended consequences through its negation and interference with current law.

Lenexa is a planned community and residents and businesses rate the efforts the City puts into planning for growth as some of the highest in the nation. The community expects the City to responsibly and cost effectively plan for both the infrastructure, buildings, and

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SENATE UTILITIES COMMITTEE

DATE: 2-9-16

ATTACHMENT # 8



residences so that there is a strong community feel, particularly with respect to aesthetics. In doing so, the City is consistently developer and business friendly. The City, however, recognizes that not all developments, whether commercial, industrial, or residential are alike and the residents and business appreciate this approach. This bill does not recognize that there are differences between certain types of developments. The bill is entirely too broad in treating video, telecommunications, and broadband service providers as similar to other commercial developments. Furthermore, the bill reduces a City's ability to obtain information on service provider facilities in order to address residents' and businesses' concerns about planning and aesthetics. Additionally, the lack of obtainable information hinders the City in addressing and community concerns about public health, safety, or welfare. This is particular relevant to a City's ability to make sure the City's police and fire services can properly communicate given the influx in wireless signals.

Finally, the bill is overly broad and vague. It is designed to allow video, telecommunications, and broadband service providers to deploy quickly into cities in order to provide the community with the latest technologies. This is a noble goal. However, the bill will likely inadvertently and unwantedly deregulate other utility providers. The potential for a rapid expansion of all utilities will not be in the best interest of public health and safety.

The City of Lenexa continues to work and cooperate with all types of video, telecommunications, and broadband providers through current regulations and laws. This bill would create a whole new set of regulations and laws with little working knowledge of how to implement them. Given the rapidity certain telecommunications providers want to deploy new technologies, it is almost certain negative unintended consequences will emerge.

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