

WaterOne

Water District No. 1 of Johnson County

**To: Chair, Senator Olson
Members of the Senate Committee on Utilities**

**From: Darci Meese, Government Affairs Coordinator
WaterOne (Water District No. 1 Johnson County)**

Date: February 8th, 2016

RE: Testimony in Opposition to Senate Bill 401

On behalf of WaterOne, I am submitting testimony in opposition to Senate Bill 401. Currently WaterOne owns and operates six elevated water towers in Johnson County, Kansas. These towers are located on WaterOne property within various cities throughout the county. We have several cell antennae leases on the facilities at this time. When a wireless operator approaches WaterOne, they usually simultaneously are going through the applicable municipalities permitting process for placing the antennae within those jurisdictions. While WaterOne does not have a formal application process, we do review the plans for placement of the antennae to ensure there will be no interference with our facility and the telemetry on the towers that is crucial to the water treatment process---the SCADA system.

SB 401 concerns WaterOne in that it appears to impact our ability to enter into the types of contract terms necessary to protect access to critical public infrastructure. Currently our lease terms require things such as the removal of antennae if necessary for maintenance on the tower; restricted access to the water towers and surrounding property; frequency controls to prevent interference with the SCADA system; and variable lease terms. SB 401 would impair our ability to continue to negotiate such contract terms with cell carriers. We do not believe it is within the power of the Legislature to negate our ability to negotiate contracts.

It is understood that the main target of SB 401 is the municipal permitting process, but the Committee should be aware of the potential incidental impacts of the bill. We believe this bill will require WaterOne to allow unfettered access to water tower structures that exist on private property throughout the county. Certainly the constitutionality of such a legislative action will be called into question if SB 401 passes.

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SENATE UTILITIES COMMITTEE

DATE: 2-9-16

ATTACHMENT # 10