

Chairman Olson and members of the Committee,

Good morning. I am Steve Shute, current Mayor of the City of Gardner, and I come to you today not as an official representative of my city but as a constituent, although I believe my city has a significant stake in the outcome of HB 2701 which would create a statewide broadband expansion planning task force.

As many of you know, Gardner is an edge city of approximately 22,000 residents in Johnson County. Although Google Fiber made a significant push into the county about 3 years ago, they have recently announced that they will be doing no more fiber digs there. As such, Gardner is one of four cities in the county that is still on what I would consider to be "wrong side" of the digital divide when it comes to fiber.

As a result, I and several others in our city have endeavored to change that. And, at my State of the City address on March 6th, I announced our "Wired City" initiative that will use some innovative tools to bring fiber infrastructure into every home in Gardner that wants it, and facilitate competition on that infrastructure between ISPs. It is the first concept of its kind that I am aware of in the Midwest, and it constitutes the kind of out-of-the-box thinking that can take place if municipalities are able to serve as autonomous "laboratories" of innovation and creativity when it comes to bringing broadband fiber to their constituents.

Unfortunately, I believe that instead of its stated intention of encouraging creativity and varied approaches to bring fiber to communities, particularly smaller ones, HB 2701 will, in practice, actually work to stifle it.

In the amended legislation, the task force as currently constituted would include 16 voting members. Of these 16 members, fully half – 8 – will be appointed by members of, or lobbyists for, the very legacy telecommunications providers that have not acted until now to bridge that divide. Just as with our current nominating committee for Kansas Supreme Court justices, of which just over 50% of seats are held by individuals aligned with the Kansas Trial Lawyers Association, I believe that this committee is being created to achieve a predetermined outcome. In this case, I am concerned that this committee will come up with recommendations that will only serve to protect the interest of these legacy telcos at the expense of municipalities who want to innovate and create.

Ladies and gentlemen of the committee, I will contend that top-down, heavy-handed planning at the state level has never worked. I defy any of the members of this committee to give me one example of legislation passed at the state level that has actually increased the amount of consumer choice at the local level. The autonomy of our local municipalities has been gradually chipped away over decades. Let's not continue the trend now.

I urge the committee to reject the idea of a planning task force, and instead look in other directions (working with the League of Kansas Municipalities and others) to bring more varied and innovative solutions to the table.