



Senate Utilities Committee

Stephen P. Duerst, JD

Proponent: SB380

February 12, 2020

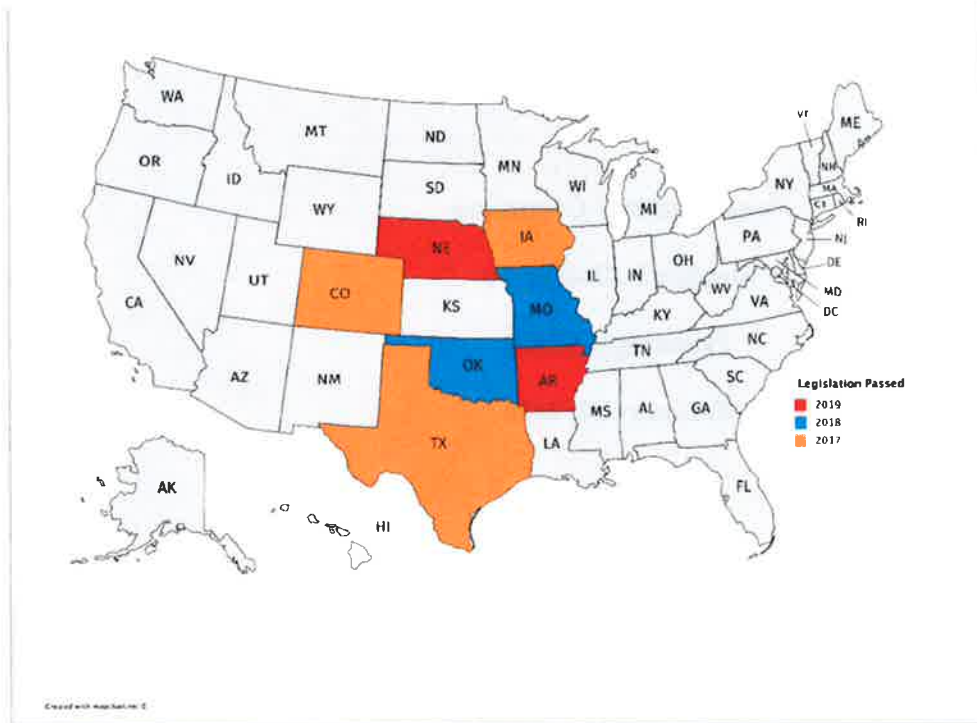
Chairman Masterson and members of the committee,

My name is Stephen Duerst and I appear before you today on behalf of the Kansas Cable Telecommunications Association (KCTA). We, along with our members, stand in strong support of SB380.

The KCTA is made up of members who operate in communities all over the state. Cox Communications, Charter Communications, Comcast, Eagle Communications, Midco, CableONE and Midco are just some of our numerous members who provide more broadband than any other association in the state. SB380 will ensure that these companies are able to continue to move Kansas forward by supplying our communities with high-speed and reliable broadband.

Like many other industries, the telecommunications industry is continuing to evolve technologically to better serve its subscribers and other third-party customers. Specifically, our member companies use micro wireless facilities, or devices about the size of a shoebox, to deliver broadband more rapidly and in a more cost-effective manner. These micro wireless facilities receive broadband signal from our hybrid fiber optic/coaxial cable network lines that have been installed in the ground. These micro wireless devices are mounted to the strand that runs from pole to pole in the right-of-way in cities across Kansas. The strand is owned by cable providers.

Cable providers are able to mount these micro wireless devices without additional fees because of the millions of dollars they pay in Kansas alone each year in the form of franchise fees to work in the right-of-way. This notion has been affirmed by the Federal Communications Commission (FCC). In three separate decisions, the FCC has ruled that cities are prevented from double-taxation of cable provers for the work being done on strand mounts. 40 states have codified this as well, including all of our neighboring states.



A map of legislation passed in neighboring states.

Note: 40 states, in addition to Kansas' neighboring states, have passed this legislation.

Today, we are coming before the legislature to codify federal law as interpreted by the FCC as well. Our providers have had issues with municipalities trying to double-tax them for trying to install micro wireless facilities on the strands, and have since been ordered to halt any deployment until the issue is resolved. This means stopping the deployment of broadband to thousands of Kansans in hundreds of Kansas communities. Our providers want certainty from a taxation and regulatory standpoint, and this is why we are coming before you today.

I thank you for your time today, Mr. Chairman and I ask you would help us advance this legislation so that we can continue to move Kansas forward and continue to expand broadband across this state and create a good business environment for our member companies.