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**Senate Committee on Utilities  
February 12, 2020  
Testimony in support of SB 380  
Megan Bottenberg, Manager of Government Affairs**

Chairman Masterson, Vice-Chairman Petersen & Members of the Committee:

My name is Megan Bottenberg, and I am the manager of government affairs for Cox in Kansas. Thank you for the opportunity to appear before you today to testify in support of SB 380.

Cox is the largest provider of broadband services in Kansas, serving 92 communities across the state. We serve both small and large cities, from Garden City to Salina, Wichita to Gas. Cox values the communities we serve, providing quality customer experience and putting dollars back into the community. We operate under the State Video Authorization Certificate under the Kansas Corporation Commission, which addresses our right-of way obligations. Additionally, through that authorization we provide local units of government in Kansas more than \$10 million annually in video franchise fees as outlined in KSA 12-2024.

Our cable system provides a platform for new technology and Cox uses its cable network for non-cable purposes, like broadband, as outlined in the federal Communications Act and reaffirmed by three Federal Communication Commission Report & Orders, most recently in September of last year. In all of the other states we serve in the country, we use our cable strand to deploy micro wireless facilities, known as strand mount. We also deploy small cells, securing them to other existing infrastructure such as existing street or traffic lights, and work with each city to outline the process and obligations to do that prior to deployment. Utilizing strand mount devices not only speeds the deployment of these facilities, because of our existing presence and access to the right of way, it reduces cost, allows for additional broadband enhancement and expansion while at the same time reducing the need to add additional poles to the right-of-way.

SB 380 codifies current practice and federal law—the right to offer non-cable services over our own cable system without paying an additional fee on top of the video franchise fee we already pay. This has been confirmed in multiple provisions of the Cable Act, including Section 621(a), as well as by the FCC in the First, Second, and now Third 621 Report and Order, in legislative history, and case law, not to mention the nearly 40 states who have passed similar legislation.

This legislation will provide regulatory and tax certainty. Every state neighboring Kansas already has this regulatory and tax certainty and pro-broadband/pro-business language included in statute. This certainty will increase the likelihood cable operators and others to make more infrastructure investments and deploy new technology in the state. Cox would also be able to deploy these facilities quicker. In other states, in which state policies on strand mount were approved, Cox was able to immediately deploy micro wireless facilities. Below is a graph that outlines how many small cells were deployed since state legislation was passed that included language for strand mount:

**States listed below have strand legislation:**

Arizona (Legislation Passed 2017): 738  
Nevada (Legislation Passed 2019): 493  
Virginia (Legislation Passed 2017): 945



Arkansas (Legislation Passed 2019): 92  
Oklahoma (Legislation passed 2018): 518  
Ohio (Revised Legislation 2019): 136

Nebraska also passed legislation in 2019 that provides for strand mount deployment and allowing cable companies to use the cable strand for non-cable purposes (communication services) without paying an additional fee. By mounting a small cell on the cable strand, cable companies can break down barriers that have plagued the deployment of pole mounted small cells.

Most importantly, this is about Kansas residents. Being able to deploy strand mount, we can provide better user experiences for residents, fire departments, law enforcement and municipal employees who are provided phones and tablets as part of their job tools. As well, the installations have added coverage and capacity in areas where the end user may not have had service before. Strand deployments make it possible to get wireless technology in neighborhoods without having to put up new poles where poles may not exist today being less intrusive to residents. And, with this technology Cox can provide 4G and 5G services in areas where Cox customers may not have been able to get the budget to build sites before. This helps close the technology divide.

Thank you for your time and consideration of this legislation.