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Testimony of Patrick Fucik on behalf of Sprint Corporation
On Kansas SB 380
Kansas Senate Utilities Committee
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Good afternoon Chairman Masterson and members of the committee. My name is Patrick Fucik and I am the National Director of State Government Affairs for Sprint. Thank you for the opportunity to provide testimony in opposition to SB 380.

SB 380 is attempting to address an issue that Sprint fully supports which is allowing for the deployment of micro wireless facilities that are strung on cables between utility poles in compliance with all applicable codes. Sprint is working with several cable companies including Cox here in Kansas to deploy “strand mounted” small cells as part of our network deployment.

Providing a framework to allow for ‘strand mounted micro wireless facilities’ was not addressed when Kansas became the first state to pass a “small cell” bill in 2016. Since 2016, 29 states have enacted similar small cell laws and the majority of them include provisions for stand mounted small cells. The wireless industry across the country worked with the cable industry and municipal groups to include language that allowed for strand mounted small cells in those other state bills.

So why is Sprint opposed to SB 380? As I mentioned earlier, it is not the concept we oppose but the manner in which it is being proposed. In other state small cell bills, the strand mount allowance was included in those small cell acts and they did not open up another part of the statute such as those state’s video competition acts. In addition, we believe that language included in SB 380 on page 4, lines 13 – 17, would expressly allow cable providers to circumvent the requirement to pay application fees and annual attachment rates that wireless carriers have to pay under the Kansas Uniform Small Wireless Deployment Act (KRS 66.2019). As a result, SB 380 as introduced would allow for discriminatory treatment for different types of providers that deploy small cell facilities in the public ROW and favor cable providers over wireless carriers.

Sprint has been working the Kansas Cable TV Association (KCTA) regarding our concerns with the above mentioned language and we remain hopeful that we can find common ground to address this issue. The KCTA has indicated it will be open to an amendment to SB 380 that would alleviate Sprint’s concerns by inserting language confirming that cable providers would be subject to the fees for deploying small cells under the Kansas small cell law.

If such an amended is adopted to SB 380, Sprint will remove its opposition.

Thank you for your consideration of my testimony and I would be happy to answer any questions.