

**Written Testimony to the
Senate Utilities Committee
Regarding SB 380
Submitted February 11, 2020**

Mr. Chairman and members of the Committee, I submit these comments from a perspective of a past member of the Federal Communications Committee (FCC) – Broadband Deployment Advisory Committee (BDAC) and a three-time member and Chair of the FCC’s Intergovernmental Advisory Committee (IAC).

My work on the BDAC included serving on the Barriers to Broadband Deployment¹ sub-committee where we studied and made recommendations to the Commission on how to remove barriers.

One of the patterns that was determined by the committee was **Discrimination**: This barrier occurs when state or local authorities levy fees or impose obligations on broadband providers with insufficient transparency, which can result in discrimination among different network providers. Public policy should not pick winners and losers among competitors and between sectors. The fact is all telecommunication providers compete head-to-head against each other and provide similar services, albeit through different technologies. In the best circumstances all should play by the same set of regulatory rules. This creates healthy competition and encourages more robust broadband deployment.

(Excerpt from Barriers Recommendation, Appendix B, Discrimination Barrier)

Be Technology-Agnostic. Increasing broadband deployment means recognizing that broadband, to the home or to the consumer, will be delivered in various ways: fixed wireline, fixed wireless, and mobile. Accessing ROWs to deploy broadband networks is critical, regardless of the type of technology used to deliver broadband to the consumer. The FCC should encourage states and local authorities to review their policies regarding ROWs access to encourage policies that encourage innovation and do not have the unintentional effect of picking winners and losers in broadband deployment technologies. The FCC should encourage local governments to not create policies that clearly confer a competitive advantage to one technology or set of providers over another.

Another pattern defined was **Inflexibility**: This barrier arises when a local government is either unwilling or unable to appropriately adjust its review and approval processes to reflect different broadband technologies or deployment strategies. The speed of development and deployment of next generation technologies has left supporting public policy woefully behind. Local and State Governments should develop policies that keep pace with these changes and encourage the deployment of advanced telecommunication technologies.

¹ <https://www.fcc.gov/sites/default/files/bdac-regulatorybarriers-01232018.pdf>

(Excerpt from Barriers Recommendation, Appendix D, Inflexibility Barrier)

Other Legislative Guidance. *The FCC should encourage states, working with localities and other stakeholders, to adopt legislation that clarifies for localities that new broadband technologies and network deployment strategies require different review and approval processes at the local level*

The suggested changes on page-4 of the bill create a level playing field by establishing rules for cable providers that mirror those for wireless providers. They also provide for the potential of a mechanism to allow for flexibility of deployment and improvements to technology as it advances without the administrative delays and burdens often found with these deployments. Furthermore, the language is consistent with recent rulings by the FCC and 39 other State Legislatures who have recognized the need to create this flexibility and opportunity for the cable industry.

I encourage the Committee's thoughtful consideration and support of this bill and the opportunities it presents. I am happy to engage the Committee with any of their questions.

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