



Garnett, Kansas
131 West Main Street
(785) 448-5496
www.simplygarnett.com

Date: February 12, 2020
To: Senate Utilities Committee
From: Christopher Weiner, City Manager for the City of Garnett, Kansas
Re: SB 380 – Written Opponent Testimony

Thank you, Mr. Chairman and Committee, for allowing me to submit testimony on HB 2580. The City is opposed to this legislation because it is an unnecessary and counterproductive bill.

The City of Garnett is a full service municipality providing electric, gas, water, wastewater, and refuse utility services. SB 380 has several provisions which are harmful to the City's ability to provide these services. The amendments proposed in Section 2(f) infringe upon our right to control access to our public right-of-way in the same manner as provided to other utilities. Management and coordination of the right-of-way is of critical importance to maintaining our infrastructure. As demand continues to increase for access to public rights-of-way and access to public infrastructure, we need to be able to coordinate right-of-way access so our utilities and other users of the rights-of-way do not infringe on the access and rights of others. It is equally important that utilities are treated in an equal, nondiscriminatory manner. If this bill is passed as currently written, it will create an unfair environment where one utility service provider is treated in a different and discriminatory manner from other utilities.

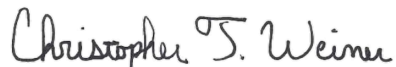
Use of the public rights-of-way requires significant coordination as more and more utilities are requesting access to these rights-of-way. To help facilitate this coordination, local governments may require a review and approval process which often necessitates the filing of a formal application. Whether through an application process or other filing for the use of the right-of-way, this coordination requires a certain level of oversight.

Specifically, the below sections significantly harm our ability to be able to coordinate and regulate safe, effective, and efficient use of the public right-of-way:

- Section 2(f)(7) indicates that video service provider would not be required to make application, pay any fee, tax, or rent for any of its micro-wireless facilities.
- Section 2(f)(8) states that a municipality shall not require the holder of a certificate of video service to obtain “any authorization or pay any fee, license or tax for the provision of wireless service.”
- Section 2(f)(9) further states that a municipality shall not “otherwise regulate the provision of wireless services over such holder’s micro wireless facilities in the right-of-way.”

Every utility that requires access to the public rights-of-way and/or requires access to public infrastructure should be treated in a fair, consistent, and non-discriminatory manner. The amendments in SB 380 do not meet that criteria.

For these reasons, I ask that Committee not pass SB 380 out of committee. Thank you for your consideration.

A handwritten signature in black ink that reads "Christopher T. Weiner". The signature is written in a cursive, slightly slanted style.

Christopher T. Weiner, City Manager