

City of McPherson

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SB 380 Opposition –Modification to the Telecommunications Act

The City of McPherson would like to provide written testimony in opposition to SB 380, prohibiting cities from imposing requirements on cable providers for the provision of wireless service. The City of McPherson has spent a significant amount of time over the last year complying with FCC regulations in an effort to create a fair and equitable set of standards for wireless providers to provide “small cell” facilities.

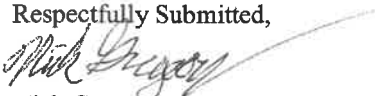
We have made every effort to work reasonably with cable and independent wireless providers, along with their representatives, to come up with reasonable standards to allow this critical 5G wireless infrastructure. As a community, we recognize the importance that this technology will have for the future and the continued demand citizens have for new technology. Creating a fair and equitable program to insure wireless providers are all treated fairly is critical regardless of whether they are a new independent wireless provider or an existing cable provider who want to expand their list of services. Proposed SB 380 upsets this balance of equity. By giving cable providers an unregulated ticket to place “micro wireless facilities” on their current cable strand attached to existing mounted poles, this balance of equity is upset. New wireless providers without existing pole attachment agreements are held to a different standard.

The aesthetic standards for small cell deployments adopted in McPherson are established to create some level of control for what the community expects. Small cell technology, as it exists today, is dependent on overhead antennae or other elevated infrastructure. Our goal in McPherson is to co-locate and minimize the visual impact that this infrastructure could create with the multitude of wireless providers wanting to provide service now and in the future. Though “micro wireless facilities” located on existing strands are no more of a visual nuisance than other pole mounted antennae systems, they are a visual and potential safety nuisance that needs to be regulated much the same as other small cell infrastructure. Furthermore, the equipment, whether strand-mounted or attached to the top of poles, creates a safety risk for electric utility workers who work on the adjacent utilities co-located on the poles where this infrastructure will be located. Agreements McPherson is currently working on are addressing any safety concern potential that exists. Knowing locations and specifications for any equipment on city infrastructure is critical.

Management of right-of-ways in an age of multiple communication providers continues to be a challenge for cities. As more and more telecommunication, broadband, and wireless providers continue to locate in cities, the incidents of conflict amongst underground and overhead utilities continue to be larger issues. Managing these conflict are a continuous challenge for municipalities. Having the full authority to regulate and manage these right-of-ways is critical for the safety and preservation of all utilities located in our communities.

For the reasons stated in this testimony, it is the City of McPherson’s hope that proposed SB 380 be rejected by legislators and that the current regulations for cable providers be preserved in their current form.

Respectfully Submitted,


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City Administrator

Mayor

Thomas A. Brown

Commissioner of Public Facilities

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