



**Senate Committee on Utilities  
Hearing on Senate Bill 380  
Hearing Date – February 12, 2020**

**Written Testimony in opposition to SB 380 on behalf of the City of Manhattan  
By the Honorable Usha Reddi, Mayor of Manhattan**

Good afternoon Chair Masterson, Vice Chair Petersen and Honorable Members of the Senate Committee on Utilities. My name is Usha Reddi, Mayor of Manhattan.

**The City of Manhattan opposes SB 380**, prohibiting municipalities from imposing additional requirements on video service providers for the provision of wireless services. The argument that this law simply codifies “federal law” or FCC orders and should prohibit cities from placing any requirements on cable entities for hanging “micro wireless facilities” on their cables to provide wireless services, is misleading.

- The City’s franchise authority has existed for more than 100 years. A franchise gives a private business the ability to use the public’s land (the rights-of-way), and the public should be compensated for that use. The franchise laws ensure that private business use the ROW in a responsible, safe way that does not interfere with use by the public or other franchisees. In the absence of such franchise authority, our citizens bear the financial and practical burdens caused by unregulated, private use of their public lands.
- SB 380 argues that if video service providers (such as Cable providers) already have an existing franchise agreement *for a specific purpose* to access public-right-of-way (ROW), they should not be required to obtain additional agreements or authority for different access and use, which is mistaken. This prohibition would include any franchise agreement, franchise fee, or other guidance for the placement of such equipment. This is particularly important given the diversification of services cable and video franchises are providing today and in the future. It is more important now for municipalities to have strong requirements for ROW use given the increasing number of providers accessing public ROW.
- Making changes today to meet the technology of today is shortsighted and does not allow municipalities to define their standards and adjust as technology continues to change and evolve. Municipalities look to the State legislature to provide flexibility to help governing bodies be responsive to both local business and residents, but this legislation would strain the relationship between municipalities and businesses by taking away the ability to negotiate the best agreement for the community related to emerging technologies and services.



- The City of Manhattan supports legislation that enables local officials and the citizens they represent to better control and manage the public right-of-way, without placing limits on the franchise fees required to reimburse cities for staff time to review applications, perform field checks for pre and post installation, and manage the ongoing use of the public's land.

For all the reasons stated above, the City of Manhattan opposes SB 380, and asks the Committee to reject consideration of any legislation prohibiting cities from requiring a video service providers to enter into a valid contract franchise ordinance. Thank you for your time and consideration.