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***Neutral Testimony of House Bill 2084  
Amending the Kansas 911 Act***

**Testimony by CenturyLink  
John Idoux, Kansas Governmental Affairs Director  
Before the House Energy, Utilities and Telecommunications Committee  
February 5, 2019**

Thank you Chairman Seiwert and members of the Committee. My name is John Idoux and I am CenturyLink's Director of Governmental Affairs. I appreciate this opportunity to express CenturyLink's views regarding the proposed changes to the Kansas 911 Act.

***This is A Critical Discussion to Have***

CenturyLink has not taken a position with the underlying issues addressed in House Bill 2084; however, CenturyLink suggests that this is an important discussion to have. Today's 911 is not your grandparents' 911 where every household and business had a landline phone from the monopoly phone company and all physical addresses were known. Today, multiple companies provide comprehensive communications services using multiple technologies. Mobile wireless, text to 911, number porting, satellite phone and internet services all make today's emergency communications systems look like child's play compared to just a few years ago, and the companies that makeup the overall emergency communications ecosystem are just as diverse.

States will be more likely to attract reliable and responsible network and service providers of complex NG911 services who are willing to assume risks that come with offering emergency services if they have a reasonable level of liability protection. Modernization of Kansas 911 liability protections laws is critical to reflect today's integration realities and complications.

***CenturyLink Introduction***

CenturyLink is the second largest U.S. communications provider to global enterprise customers with customers in more than 60 countries. The company serves as its customers' trusted partner, helping manage increased network and IT complexity and providing managed network and cybersecurity solutions that help protect business.

In Kansas, CenturyLink has provided communications services under various names since 1909 and today serves rural Kansans in 119 communities including Junction City, Fort Riley, Gardner, and 111 communities with fewer than 1000 residents. CenturyLink maintains a significant workforce in Kansas with nearly 1250 employees and has nearly \$650 million in Kansas investment. CenturyLink also has more than 1500 route miles of long-haul fiber optics throughout Kansas, including three east-west routes, two north-south routes and fiber rings in metro areas.

### ***Obligations but Also Competitive***

While every provider of phone service – traditional wireline, cable, mobile wireless, fixed wireless, internet phone, satellite, etc. – has the obligation to interconnect and direct 911 calls to the appropriate public safety answering point, other aspects of the overall 911/E911/NextGen911 ecosystem are highly competitive. Competitors not only include traditional telecom companies such as AT&T, CenturyLink, Cox, etc., but also new entrants and non-traditional telecom companies as well as IT providers and other vendors.

### ***Modernizing Liability Protection is Just as Critical as Updating Other Aspects of the 911 Act***

It has been nearly a decade since the liability protection portion of the Kansas 911 Act was updated. Current statutory language may not provide the needed protections and is overly vague to reflect the fact that today's systems are fully integrated, highly advanced and increasingly complicated. In addition, multiple communications companies and third-party vendors as well as state, county and city agencies are involved, working together and seamlessly behind the scenes to connect citizens with the needed emergency response. Accordingly, CenturyLink suggests the liability protection portion of the Kansas 911 Act be updated as follows:

*HB 2084, pp 17-18: K.S.A. 12-5376* Except as provided by the Kansas tort claims act, and except for ~~failure to use ordinary care, or for intentional acts,~~ action or inaction that constitutes gross negligence or willful and wanton misconduct, the LCPA and each provider, and their employees and agents, suppliers and subcontractors, and each seller, and their employees and agents, suppliers and subcontractors, shall not be liable for the payment of damages resulting directly or indirectly from the total or partial failure of any transmission to an emergency communication service or for damages resulting from the performance of installing, maintaining or providing 911 service.

### ***CenturyLink's Suggestion Aides Everyone and is Consistent with Other States***

CenturyLink's recommendation to update the legal protections in the Kansas 911 Act benefits providers, vendors, and state and local governments. At least 31 other states have updated the 911 liability protection language in statute including CA, CO, IA, ID, IL, LA, MI, MT, ND, OK, SC, SD, TN, TX, UT, VA, WA, WY, AL, AZ, FL, GA, IN, MN, NC, NM, NV, OH, OR, PA, and WI.

### ***Conclusion***

Updating the applicable liability protection language for the Kansas 911 Act will ensure Kansas continues to receive high quality bids and competitive participation in order to provide the best possible emergency communication services from a wide variety of companies. For the above reasons, CenturyLink urges the Committee to amend HB 2084 as suggested above.