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**Testimony of Patrick Fucik on behalf of Sprint Corporation**  
**In Support of Kansas SB 68**  
**Kansas Senate Utilities Committee - February 6, 2019**

Good afternoon Chairman Masterson and members of the committee. My name is Patrick Fucik and I am the National Director of State Government Affairs for Sprint. Thank you for the opportunity to present testimony on behalf of Sprint in support of SB 68.

The majority of you were here three years ago when Kansas became the first state in the nation to pass what is known as 'small cell' legislation, known in Kansas as the Kansas Wireless Siting Act. Since 2016, in just three years, 20 other states have enacted similar small cell bills and in 2019, 13 other states will consider this kind of legislation. Kansas should be proud to be at the forefront of the 5G revolution that the small cell law will help unveil and provide a technological revolution and economic development for the State.

However, sometimes being the first out of the gates can mean you might miss a few things. Since Kansas passed the Wireless Siting Act in 2016, the wireless industry developed and refined a model bill that has been used in most of the other states as the starting point for small cell legislation. Because Kansas did not have the advantage of having a well-developed blueprint for the 2016 small cell bill, there remains a significant loophole in the current law that needs to be addressed. SB 68 has been introduced by the industry to better align the Kansas small cell law with other states and the FCC on the issue of city-imposed franchise fees.

Cities in Kansas have interpreted the 2016 small cell law to allow them to charge franchise fees for the deployment of small cell facilities. Cities currently do, and are allowed under current law, charge landline telephone companies a franchise fee (based on gross revenues) for deployment of landline facilities in their cities. However, the traditional franchise scheme does not make sense in the context of small cell deployment. The legislature consciously recognized the value of bringing vital 5G technology to Kansans, and enacted the Wireless Siting Act to make small cell technology a priority by creating a uniform framework to streamline deployment. City-imposed franchise fees hinder the effectiveness of the 2016 law by allowing unnecessary impediments and burdensome processes to remain in place. Franchise fees can vary significantly from city to city, creating a cumbersome negotiation process that slows down the deployment of much-needed wireless technology.

Unfortunately, there is nothing in the current Wireless Siting Act that explicitly prohibits – or allows for that matter – cities to charge wireless carriers a franchise fee for the deployment of small cell facilities. SB 68 addresses this loophole and prohibits cities from charging a franchise fee for the deployment of small cell facilities in Kansas and Sprint supports the bill for that reason.

Thank you for your consideration of my testimony on SB 68. I respectfully ask for your support of SB 68 and look forward to working with members to advance this important piece of legislation for Kansas to remain at the forefront of the 5G revolution. I would be happy to answer any questions you have.