



February 5, 2019

The Honorable Ty Masterson
Kansas Senate
Chair, Senate Utilities Committee
300 SW 10th St.
Topeka, KS 66612

Dear Chair Masterson:

On behalf of CTIA, the trade association for the wireless communications industry, I write in support of Kansas Senate Bill 68, which would ensure regulatory certainty for Kansas wireless companies by clarifying that wireless franchise agreements are prohibited in Kansas. SB68 will further promote the swift deployment of small cell facilities – the backbone of 5G technology.

In 2016, the Kansas Legislature was one of the first to recognize the benefits of 5G by overwhelmingly passing the Kansas Wireless Siting Act. The Act was a result of extensive negotiations between legislators, the wireless industry, and local governments in Kansas. It intended to allow wireless carriers and wireless infrastructure providers to deploy small cells in a timely fashion while municipalities continued to manage the public rights of way (ROW). In addition, the Act outlined how municipalities could be compensated for the use of the ROW and municipally-owned infrastructure.

Unfortunately, some municipalities have slowed the deployment of small cell technology by ignoring the Act and using their Home Rule authority to require wireless companies to sign wireless franchise agreements. Negotiations on these agreements can take months and effectively stop carriers from deploying next generation technology. In addition, these agreements allow local governments to backdoor additional taxes and fees on wireless consumers. In light of the fact that Kansas wireless consumers shoulder the 12th highest tax and fee burden in the U.S., this situation is untenable. It is also important to note that no other state requires wireless franchise agreements.

This is why it is necessary to pass SB68 - to ensure wireless companies can deploy small cell technology as efficiently and effectively as possible and protect consumers from increased taxes and fees. This legislation will make a narrow change to the law by prohibiting wireless franchise agreements in the state. SB68 does not change existing authority of local government over the ROW and will not alter any existing agreements between providers and localities. This legislation will ensure that wireless carriers and wireless infrastructure providers can deploy as quickly as possible and meet consumer demand for wireless services.

SB68 builds on the goals of the Wireless Siting Act, which were to create a uniform siting process for wireless infrastructure and provide revenue for local governments while



preparing the state for future wireless innovation. This important legislation will help speed deployment of wireless infrastructure and safeguard against delaying future innovation. For these reasons, CTIA urges passage of this legislation.

Sincerely,

Gerard Keegan
Vice President
State Legislative Affairs