



ABOVE AND BEYOND. BY DESIGN.

City Hall
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Date: February 7, 2018
To: House Energy, Utilities and Telecommunications Committee
From: City of Overland Park
Re: Written Testimony in Opposition to HB 2451

Thank you for allowing the City of Overland Park to submit testimony in opposition to HB 2451. Although we do not think the intent of this legislation is to impact urban areas such as Overland Park, some of the language is broad enough that it could limit our City's ability to protect the public right-of-way and reimburse taxpayers for the cost of that protection.

For example, in Section 3(f) (page 3, lines 25-39) states that no local government may require a franchise agreement, or impose any fee for use of the right-of-way, on any rural broadband service provider. It is unclear whether this would prohibit the City from imposing such requirements on providers seeking to use Overland Park right-of-way, who also happen to be rural broadband service providers.

In addition, Section 3(j) (page 4, lines 15-19) authorizes a provider with a state-issued rural broadband service authorization to construct broadband within public right-of-way and easements within the "service area of a broadband service provider..." "Service area" is not defined in the legislation, so this provision appears to permit rural broadband service providers to access public right-of-way and easements anywhere else in the state that broadband service is provided. We do not think the intent of this bill was to allow providers to access public right-of-way in urban areas such as Overland Park, simply because those providers have obtained rural broadband service authorization.

Thank you for allowing the City to testify on this legislation. We respectfully request that the Committee not advance this legislation to the full House for approval.