



931 SW Henderson Rd.  
Topeka, KS 66615

**House Committee on Energy, Utilities, & Telecommunications**

**March 14, 2018**

**Testimony in opposition to SB 68**

**Megan Bottenberg, Manager of Government Affairs**

Chairman Seiwert, Vice-Chairman Schreiber & Members of the Committee:

My name is Megan Bottenberg, and I am the manager of government affairs for Cox in Kansas. Thank you for the opportunity to appear before you today to testify in opposition to SB 68.

Cox is the largest provider of broadband services in Kansas, serving 92 communities across the state. We serve both small and large cities, from Garden City to Salina, Wichita to Gas. We employ 1,100 Kansans who live, work, and contribute in their communities.

Cox values the communities we serve, both providing quality customer experience and putting dollars back into the community. We contribute more than \$1 million in charitable support in our Kansas communities. We also collect and remit \$7.2 million annually in state and local taxes, including franchise fees to our franchise communities. We operate under the State Video Authorization Certificate under the Kansas Corporation Commission, which addresses our right of way obligations.

Cox works with wireless providers throughout the country to deploy small cells, because we already have the network infrastructure in place to provide the backhaul. Today Cox opposes SB 68 in its current form. Cox requests an amendment that would help us deploy small cells in a more streamlined fashion. The amendment would state that small cell facilities installed on cable strand located between utility poles shall not be subject to fees or rents charged by a municipality. This amendment simply codifies current practice—the right to offer non-cable services over our own cable system—and establishes a level playing field for all competitors in the marketplace. This has been confirmed in multiple provisions of the Cable Act, including Section 621(a), as well as by the FCC in the First, Second, and now Third (pending) 621 Report and Order, in legislative history, and case law.

This amendment would allow our company the same ease of deployment as is the intent of the underlying legislation for other companies. For example, in a handful of Kansas communities that we have been working on small cell agreements this issue has held up negotiations for over a year. This amendment will speed the deployment of next generation broadband.

Thank you for your time and consideration of this amendment.