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HOUSE OF REPRESENTATIVES

CONSUMER AFFAIRS COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

MAIN CAPITOL BUILDING
ROOM B-31

THURSDAY, AUGUST 9, 2018
10:10 A.M.

PRESENTATION ON
SMALL WIRELESS CELL DEPLOYMENT

BEFORE:

HONORABLE ROBERT GODSHALL, MAJORITY CHAIRMAN
HONORABLE ALEXANDER CHARLTON
HONORABLE FRANK A. FARRY
HONORABLE ROB KAUFFMAN
HONORABLE RYAN MACKENZIE
HONORABLE THOMAS QUIGLEY
HONORABLE THOMAS CALTAGIRONE, DEMOCRATIC CHAIRMAN
HONORABLE ED NEILSON

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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

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SUBMITTED WRITTEN TESTIMONY

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(See submitted written testimony and handouts online.)

P R O C E E D I N G S

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3 MAJORITY CHAIRMAN GODSHALL: Good morning. The
4 hour of 10:00 a.m. having arrived and passed, I call this
5 hearing to order. Today's hearing will focus on House Bill
6 2564, sponsored by Representative Frank Farry from Bucks
7 County. And House Bill 2564 establishes a standardized
8 application and approval process for the permitting of
9 small wireless facilities within the right-of-way. And I'd
10 like to offer Representative Caltagirone, my Co-Chairman,
11 an opportunity to make comments.

12 No comments, so we'll get started right away.
13 I'd like to have the members that are here introduce
14 themselves quickly, starting here at the end. Ed?

15 REPRESENTATIVE NEILSON: Ed Neilson, Philadelphia
16 County.

17 REPRESENTATIVE CHARLTON: Alex Charlton,
18 Springfield, Delaware County, District 165.

19 REPRESENTATIVE FARRY: Frank Farry, Bucks County,
20 House District 142.

21 REPRESENTATIVE QUIGLEY: Tom Quigley, Montgomery
22 County, House District 146.

23 REPRESENTATIVE KAUFFMAN: Rob Kauffman, Franklin
24 County, District 89.

25 DEMOCRATIC CHAIRMAN CALTAGIRONE: Tom

1 Caltagirone, District 127.

2 MAJORITY CHAIRMAN GODSHALL: Bob Godshall,
3 Montgomery County, 53. So with that, we're going to open
4 the floor for questions from members after each
5 presentation. We have a full agenda this morning. I ask
6 all presenters to respect the time limits for presentations
7 noted on the agenda. Local governments we'll start with:
8 David Cohen, Cohen Law Group; and Amy Sturges, Director of
9 Government Affairs, Pennsylvania Municipal League,
10 Pennsylvania State Association of Township Commissioners;
11 Ed Troxell, Director of Government Affairs, Pennsylvania
12 State Assessment of Boroughs; Dave Sanko, Executive
13 Director, Pennsylvania State Association of Township
14 Supervisors. Gentlemen and ladies, whenever you're ready,
15 please introduce yourself as you speak, and we'll get
16 started.

17 MR. COHEN: Good morning, everyone. Chairman
18 Godshall, Chairman Caltagirone, honorable members of the
19 Consumer Affairs Committee, thank you for the opportunity
20 to testify this morning about House Bill 2564, called the
21 "Small Wireless Facilities Deployment" bill. My name is
22 Dan Cohen, and my testimony today is on behalf of the
23 Pennsylvania Municipal League and the Pennsylvania State
24 Association of Township Commissioners.

25 The Municipal League has been assisting local

1 governments throughout the Commonwealth for over 110 years.
2 Its 98-member municipalities comprise more than one-third
3 of Pennsylvania's total population. The Pennsylvania State
4 Association of Township Commissioners has been advancing
5 the interests of first-class townships for nearly 90 years.
6 Together, PML and PSATC represent over 160 full-service
7 urban and suburban communities, and I have with me this
8 morning Amy Sturges of the Pennsylvania Municipal League.

9 Both of these associations are fierce advocates
10 for the deployment of high speed broadband throughout the
11 Commonwealth. We local governments know firsthand that,
12 like railroads in the 19th century and electricity in the
13 20th century, broadband in the 21st century is essential
14 for economic growth, for educational advancement, and for
15 the delivery of quality health care.

16 Because municipalities are advocates for the
17 buildout of broadband networks, they have been approving
18 the facilities needed for broadband for decades. Beginning
19 with the franchising of cable systems and then the
20 permitting of fiber construction, municipalities are on the
21 front lines of approving the buildout of broadband
22 networks.

23 Approximately seven years ago, wireless companies
24 in Pennsylvania started contacting municipalities to
25 install wireless facilities in the rights-of-way. These

1 include large antennas on existing utility poles and new
2 fiberglass towers as part of wireless networks known as DAS
3 or distributed antenna systems. Municipalities in
4 Pennsylvania have been approving these facilities for seven
5 years. The reason is that the Commonwealth has legally
6 assigned municipalities with the task of managing their
7 streets and roads.

8 Every municipal code requires municipalities to
9 control and manage their public rights-of-way.

10 Pennsylvania citizens expect their local governments to
11 uphold this obligation. And, as you all know, the right-
12 of-way is a very narrow ribbon of real estate, and numerous
13 companies want to occupy it: gas companies, electric
14 companies, telephone companies, water authorities, fiber
15 companies, wireless carriers, wireless contractors, the
16 list goes on and on. There is no other level of government
17 closer to the action or better equipped to juggle the
18 competing interests vying for space on that small property.

19 So what's involved in managing the rights-of-way?
20 Well, just by way of example it includes reviewing
21 applications for new facilities and requesting information
22 as necessary, managing the approval process, inspecting
23 facilities during construction and periodically thereafter,
24 managing vehicular and pedestrian traffic during
25 construction, responding to citizen complaints, ensuring

1 repair of public and private property damage. All of these
2 are involved in managing the rights-of-way.

3 This bill, House Bill 2564, would almost
4 completely emasculate the ability of municipalities to
5 manage their rights-of-way with respect to these
6 facilities. In other words, it would prevent
7 municipalities from doing their job as required by the
8 Commonwealth. First, it would strip municipalities of
9 their zoning authority over these facilities. Zoning is an
10 essential tool to maintain the character of our
11 communities, and Federal law preserves local zoning for the
12 regulation of wireless facilities.

13 Section 3(j) of House Bill 2564, however, states
14 that a wireless company would have the right as a permitted
15 use, quote, "not subject to zoning review or approval" to
16 install new towers or large antennas. That means that the
17 application must be approved at the permit counter without
18 any zoning process and without any opportunity for public
19 comment.

20 So, House Bill 2564, if enacted, would not allow
21 a municipality to be able to require that new towers and
22 wireless facilities in the rights-of-way be subject to
23 zoning, comply with collocation incentives to place
24 antennas on existing poles rather than construct new poles,
25 be limited to certain zoning districts and roads so long as

1 there's ample room for wireless service, employ stealth
2 technology where feasible, be subject to insurance and
3 indemnification requirements, all those things that
4 municipalities are able to do now. Municipalities would be
5 forced to approve any facility, regardless of its
6 appropriateness.

7 Now, in terms of the height of the towers, while
8 Section 3(e) of the bill states that the maximum height of
9 a tower is either 50 feet or 5 feet higher than the tallest
10 pole within 500 feet of the proposed tower, the same
11 section gives a wireless company the, quote "right to
12 install a utility pole that exceeds these height limits" so
13 long as it files a "height limit waiver request." So, the
14 bill effectively gives a wireless company the right to
15 install a new tower at any height it wishes.

16 Secondly, the bill would strip municipalities of
17 their right to recover their costs, not to raise revenue
18 but simply to recover their costs. And based on our
19 experience working with municipalities, and we've worked
20 with many of them in this area, the following are the
21 current fee ranges in Pennsylvania, followed by the fees in
22 House Bill 2564. And there are four categories: one,
23 application fee. Currently, they're about \$750 to \$1,500;
24 House Bill 2564, 100 bucks. Fees for new antennas on
25 existing utility poles, they're currently about \$250 to

1 \$500 for municipalities to recover their costs; House Bill
2 2565, \$25. Fees for antennas on municipal poles, poles
3 owned by municipalities -- there are about 50 of those in
4 the Commonwealth -- currently, it's about \$1,500 to \$3,000;
5 House Bill 2564, \$50. And fees for new poles, new poles
6 that are installed in the rights-of-way that are not
7 municipal poles, it's the current range of about \$750 to
8 \$1,250; House Bill 2564, 25 bucks.

9 So not only are these fees a tiny fraction of the
10 fees that municipalities are assessing today, but they
11 clearly would not allow municipalities to recover their
12 actual costs. And as a result, local taxpayers would be
13 forced to subsidize the wireless industry.

14 Finally, on the process, House Bill 2564 would
15 curtail the process for approval of wireless facilities
16 applications that has been established by the FCC. So the
17 FCC has shot clocks that require municipalities, all local
18 governments, to approve towers and other wireless
19 facilities in the rights-of-way within a specified period
20 of time. House Bill 2564 would severely reduce those.

21 So three areas: one is the initial review of the
22 application. The FCC has a 30-day time period for initial
23 review for completeness. House Bill 2564 would cut that in
24 half to 15 days. The FCC rule for action on a new pole in
25 the rights-of-way is 150 days to take action. If you don't

1 take action, then they're deemed approved under Federal
2 law. There's a lot of Federal law in this area. H.B. 2564
3 would reduce that 150 days to 60 days. That's a 60 percent
4 decrease in time. Action on a new antenna in the rights-
5 of-way, the FCC gives 90 days. House Bill 2564 gives 60
6 days. These shorter time periods are unworkable for most
7 municipal governments.

8 In addition, the bill allows wireless companies
9 to submit requests of up to 20 facilities in a single
10 application. This would make it virtually impossible for
11 most municipal staffs, who have to balance the many
12 competing interests inherent in managing a municipality, to
13 review and act on these requests on time.

14 So the question becomes why? Why is it advisable
15 for the General Assembly to strip municipalities of their
16 zoning authority, make it impossible for them to recover
17 their costs, and demand unworkable deadlines for acting on
18 wireless applications? Have municipalities been an
19 obstacle to the buildout of wireless networks in
20 Pennsylvania?

21 Well, earlier this year, our law firm conducted a
22 survey of our municipal wireless clients -- there are about
23 130 of them -- and we wanted to find out the answer to that
24 question. So we sent the survey out to all of them.
25 Seventy-one of them responded in 26 counties in the

1 Commonwealth. Of those 71 municipalities, 41 said that
2 they had been contacted by wireless companies seeking to
3 facilities in the rights-of-way. Not one of them, I
4 repeat, not one of those 41 municipalities that were
5 contacted by wireless companies denied the wireless
6 application. Every single municipality that received
7 applications for wireless facilities in the rights-of-way
8 approved them, and they did so within the FCC time frames
9 or in a few instances within agreed-upon time frames with
10 the wireless company. We're happy to provide this
11 Committee with copies of all those survey responses.

12 So, again, what's the public-policy problem here
13 that requires a legislative solution? There is one
14 legitimate public-policy problem when it comes to wireless
15 broadband, and that is that there are unserved areas in the
16 Commonwealth. Many rural areas still do not have access to
17 high-speed broadband service. According to the Governor's
18 office, over 800,000 Pennsylvanians lack access to high-
19 speed internet service. Regrettably, there is nothing in
20 House Bill 2564 that requires wireless companies to address
21 this legitimate issue and expand their networks into
22 unserved areas.

23 For all of these reasons, respectfully, House
24 Bill 2564 is a flawed bill, and we urge this Committee to
25 reject it as written. Our associations remain open to

1 working with the sponsor and the wireless industry to make
2 this bill workable for the industry and for local
3 governments. There is room for compromise here.

4 Unfortunately, there has been no substantive engagement to
5 date with municipal associations about this legislation.
6 We look forward to having such a discussion in order to
7 achieve the mutual goals of expanding wireless broadband
8 while properly managing the rights-of-way and preserving
9 the character of our communities.

10 Thank you, Mr. Chair.

11 MR. TROXELL: Thank you, Mr. Chairman, Chairman
12 Godshall, Chairman Caltagirone. Good morning. Hello. I
13 got to get wired here. Good morning, Committee Members as
14 well. I'm Ed Troxell. I'm Director of Government Affairs
15 for the State Association of Boroughs, and this morning,
16 the Association has prepared a pre-statement, which I feel
17 is important to read into the record to let you know where
18 the Association is taking its perspective regarding 2564
19 and the issue altogether.

20 For over a century, the Association has provided
21 extensive training and education resources, as well as
22 quality group insurance products for our members. And
23 also, we have been a legislative advocate for those
24 boroughs here as well, and that's what brings me here
25 today.

1 The brief statement I'm giving is trying to serve
2 that purpose here today. It's to stress that our borough
3 communities are seeking to prompt reliable wireless
4 services for their residents, while also balancing that
5 pursuit with a preservation of the very community
6 landscapes that they occupy. That's why, today, PSAB is
7 glad to join with our fellow local government associations
8 and the wireless services industry as we work together
9 seeking to expand wireless services throughout the
10 Commonwealth. In particular, this morning kicks off the
11 conversation of House Bill 2564.

12 I would begin, though, to let the Committee be
13 aware of that PSAB membership had overwhelmingly voted
14 during its 2018 annual conference in June of this year to
15 adopt this resolution 2018-16, which established our
16 overall position regarding wireless deployment issues that
17 we're discussing here today. Much of the content of that
18 resolution also applies to House Bill 2564, and that will
19 be PSAB's perspective as we move forward.

20 For your reference, the resolution reads as
21 follows: "Be it resolved that PSAB oppose any legislation
22 that would strip municipalities of their legal authority to
23 regulate wireless facilities both within and outside public
24 rights-of-way, limit a municipality's ability to negotiate
25 and collect reasonable fees for collocation on municipal

1 infrastructure or any municipal cooperation."

2 Over the last several years throughout the
3 Commonwealth, our boroughs have had firsthand knowledge and
4 experience regarding the objectives of proponents of 2564.
5 Our communities understand, they accept, and respect the
6 efforts the industry is taking to move forward in
7 delivering wireless services. PSAB understands and
8 respects this dynamic as well.

9 For the purposes of moving this discussion
10 forward, there are realistic guidelines and reasonable
11 expectations which our local governments will maintain
12 throughout any changes to the existing practice. And I
13 stress practice. I believe all of us here today would
14 appreciate that, similar to existing cable franchise
15 agreements and the negotiations that have come from them,
16 many of our communities have mirrored that process to
17 arrive at the very services that we're discussing today
18 included within the bill. Just a few of those communities
19 are the Borough of Ambler in Montgomery County and also in
20 Franklin County, Chambersburg and Waynesboro.

21 It's reasonable to conclude that this acceptable
22 business practice has and will foster the expansion of
23 wireless services to the benefit of the providers and their
24 customer base. When working with our boroughs, we believe
25 a cooperative and collaborative spirit will guarantee a

1 win-win, as we have witnessed regarding cable franchise and
2 its expansion within the last decade.

3 So as a result of this evolving business practice
4 which our boroughs have experienced concerning those
5 seeking to provide wireless services within our borough
6 borders, it becomes necessary to recognize the general
7 themes embodied in our resolution. Our resolution has
8 three fundamental positions or premises, however you want
9 to look at it. We will hold in opposition to any measure
10 that will strip regulatory powers either within or outside
11 of the right-of-way from our boroughs. Secondly, we will
12 always strive to maintain the capacity to negotiate and
13 collect reasonable fees for the use of public assets. And
14 thirdly, we will reject any State mandate that forces us
15 into cooperation without negotiations with wireless
16 industry. Respect for these positions is paramount to any
17 measure developed by the Assembly and enacted into law. It
18 must be understood to all that such an initiative is not a
19 novel idea or approach.

20 To close with, to put 2564 into a historical
21 context, which Dan also did a little bit earlier, it was in
22 2008 when this very Committee held hearings on House Bill
23 1490, which sought to establish a statewide cable franchise
24 law similar to what's being attempted here today. Yes,
25 2564 has details and technological variations, making it

1 dissimilar to a cable and its technology and franchising
2 and its services. However, our association's goal here
3 today is to make clear that positions held in 2008 continue
4 to be held by the membership of the Association, and our
5 Association will continue to strive to preserve them in any
6 legislative proposal, beginning here today with House Bill
7 2564. Thank you.

8 MR. SANKO: Chairman Godshall, Chairman
9 Caltagirone, and Members of the Consumer Affairs Committee,
10 good morning. My name is David Sanko. I'm the Executive
11 Director of the Pennsylvania State Association of Township
12 Supervisors. PSATS is nearly 100 years old, is a
13 nonpartisan, nonprofit association that represents nearly
14 1,500 townships, ranging in size from a couple hundred to
15 over 60,000 people and cover 95 percent of Pennsylvania's
16 landmass and represent over 5.5 million people.

17 I want to thank you for the opportunity to appear
18 before you today that's affecting many of our members.
19 House Bill 2564 provides for the regulation of small
20 wireless facilities in municipal rights-of-way. This
21 legislation is an effort to provide compromise legislation
22 to House Bill 1620. We applaud the efforts of the sponsor
23 in bridging this gap.

24 There are marked improvements when comparing this
25 bill to the prior bill. First, the scope of 1620 was very

1 broad and would have essentially eliminate municipal zoning
2 authority over the placement of most, if not all, wireless
3 facilities, including large tower and guyed-wired monopoles
4 both inside and outside the rights-of-way where this bill,
5 in contrast, only narrowly addresses the placement inside
6 rights-of-way.

7 Secondly, unlike 1620, this bill does not amend
8 or repeal Act 191, the Wireless Broadband Collocation Act,
9 so the existing collocation and large tower rules will stay
10 in place. Again, the scope of this new bill is narrowly
11 limited to small cell deployment.

12 Third improvement is new language that would give
13 municipalities some discretion over whether collocation
14 will be permitted on decorative poles, as well as
15 additional oversight in historic districts. Yet another
16 improvement relates to provisions surrounding underground
17 utilities. Twenty-five sixty-four requires the provider to
18 comply with the rules that are in place three months prior
19 to the submission of an application, as opposed to the
20 former bill, which locked in the rules that were in place
21 as of June of 2017, last year.

22 There's also new language allowing for a waiver
23 request process but does not require a municipality to
24 grant the waiver. And perhaps most importantly, this
25 legislation also addresses the rights of a property owner

1 in communities with underground utilities by requiring
2 their consent as well.

3 You know, other States have passed similar
4 legislation. This discussion is not taking place in a
5 vacuum. I'm also the President of the National Association
6 of Towns and Townships, and I can tell you that both
7 Congress and the FCC are wading into these waters. I think
8 everybody in this room would agree that these decisions are
9 best made locally.

10 Also in Pennsylvania, the courts continue to
11 weigh the issue of certificates of public convenience by
12 the Public Utility Commission, effectively granting utility
13 status to nonregulated companies inside the right-of-way.

14 We also want to be clear on what this discussion
15 is not about. When you hear some citing the public's
16 demand for faster and more reliable access, you need to
17 access yourselves which public are we talking about? It is
18 not the nearly 1 million members of the public from those
19 areas of the State that are unserved or underserved by any
20 type of broadband service, wired or wireless. This
21 legislation isn't going to help anyone in those areas watch
22 a video of a grandchild or a new great-grandchild over the
23 internet because they don't even have dial-up service. In
24 fact, if this bill were to provide service in unserved
25 rural areas, our members there would likely greet the

1 technology with open arms and exercise only basic
2 oversights of their rights-of-way and there would be little
3 need for this conversation.

4 Instead, this bill is designed to help a subset
5 of wireless customers who want more access and capacity for
6 their phones, tablets, household devices like wireless
7 thermostats and video doorbells. You know, this bill is to
8 provide the capacity for the insatiable desire for data and
9 bandwidth in urban and suburban areas and help communities
10 do their best to manage their rights-of-way because today's
11 cutting-edge facilities may become tomorrow's blight
12 without appropriate municipal oversight.

13 Our members are very concerned that they be able
14 to continue to exercise their reasonable oversight of their
15 rights-of-way and be able to negotiate and collect
16 reasonable fees for collocation of wireless facilities on
17 municipal infrastructure. Although there are similarities
18 between the two bills, House Bill 2564 comes closer to the
19 balance that we are seeking.

20 That being said, we do have some suggestions for
21 even more improvements to this bill. It's easy to sit back
22 and say we don't like it, but I think it's important to
23 offer comments as to how to make it better. First, to
24 further clarify that the legislation is limited to small
25 wireless facilities on utility poles. The definition of

1 utility pole needs to be clarified to include the phrase
2 electrical transmission towers.

3 As written in 2564, in addition to both the
4 municipal and State-owned rights-of-way along any public
5 highway, the definition also includes utility easement on
6 similar properties. Well, we think that is somewhat overly
7 broad and needs to be clarified. Depending on how the
8 definition of similar properties are identified, this could
9 allow for the proliferation of these devices in areas
10 outside of the municipal right-of-way, as well as the
11 State's right-of-way where a municipality has no say
12 anyway.

13 This bill addresses processes and fees in
14 municipal rights-of-way but how does it affect the
15 Commonwealth's ability to manage their right-of-way, which,
16 frankly, is your issue, not mine or ours.

17 Second 3(d) gives a right of access to wireless
18 providers to perform certain activities within the right-
19 of-way. This isn't clear and provides a little too much
20 discretion to the providers with little or no oversight by
21 the municipality, particularly to the placement of new
22 poles. Agreeing that collocation is always preferred over
23 new poles, this section should grant final approval to
24 collocate and install new poles to the municipality.

25 Next, if collocation is not feasible, this bill

1 also allows providers to install a new utility pole not
2 more than five feet higher than the tallest nearby existing
3 utility pole. We're concerned that this bill also gives
4 the right to install a taller pole by simply filing for a
5 waiver. This appears to be a loophole to go higher than
6 the 50-foot height limitation and was a huge drawback in
7 the old bill. But this can be fixed simply by making the
8 waiver approval at the discretion of the municipality
9 consistent with other existing municipal rules.

10 On the matter of fees, we join with our municipal
11 partners in concern for the unrealistically low fees in
12 this bill that would prevent a municipality from recovering
13 their actual costs related to activities in their right-of-
14 way. This bill allows for an application fee not to exceed
15 \$100. We believe that this industry should be treated the
16 same as any other applicant and charged fees that do not
17 exceed the application fees other applicants are charged
18 for right-of-way access. As an aside, the new law in
19 neighboring Ohio set this at \$250.

20 We also question the annual fee that a
21 municipality may receive for the use of right-of-way capped
22 at \$25 per pole. Municipalities have continuous costs to
23 maintain for the right-of-way that simply can't be covered
24 by this low fee. Others who use this public right-of-way
25 pay substantially more. Out of fairness, the fees charged

1 should not exceed what are charged to others for access to
2 the right-of-way.

3 The fee limit of \$50 per attachment for
4 collocations on poles owned by the municipality is also
5 objectionable. Again, as a set-aside, recent new law in
6 Ohio set this fee at \$200. But I would also add since
7 there's no limitation on what a private utility pole owner
8 or the Commonwealth with regard to their negotiations for
9 collocation on their structures, this legislation would put
10 municipalities and their public at a distinct disadvantage.
11 From a public policy perspective, this appears to create a
12 private benefit at a public cost. And why give an
13 unregulated industry public benefits without fair
14 compensation to the taxpayers. Anything less could force
15 local property tax increases.

16 Turning to the review process, the review process
17 in this bill is significantly less than currently allowed
18 for the siting of big towers and guyed-wired monopoles, but
19 to our knowledge, the review process for the collocation of
20 small wireless facilities or the installation of utility
21 poles is not as complex. The FCC and Congress are also
22 looking at shorter time frames for this new and less
23 intrusive technology.

24 But we do have concerns with the shorter time
25 frame if several applicants file consolidated applications

1 at the same time. Each combined application can contain up
2 to 20 applications in a 30-day time period. If just four
3 of the major players submit their applications on the same
4 day, that would result in 80 applications needing to be
5 reviewed in 30 days, and that frankly could be overwhelming
6 to many communities. They get 15 days to determine the
7 completeness of the application, and then they get only
8 another 15 days to review all 80 applications or they are
9 automatically deemed approved without having had sufficient
10 time for a proper safety review. A solution to this issue
11 would be to allow municipalities additional time if they
12 receive multiple simultaneous applications.

13 One final necessary correction is to add a
14 provision that the wireless providers indemnify the
15 municipalities for any damage caused by the providers or
16 their subcontractors as a result of negligence.

17 In closing, we want to acknowledge the work
18 that's been put into this legislation that make
19 improvements over past versions. We are encouraged by the
20 progress that has been made with 2564, but more work needs
21 to be done in this Committee. We look forward to working
22 with the sponsor and this Committee to address our concerns
23 and provide this technology to our mutual constituents.

24 Thank you for this opportunity, and we are now
25 available to answer any questions you may have.

1 MAJORITY CHAIRMAN GODSHALL: Thank you,
2 gentlemen. First questions are going to come from
3 Representative Farry.

4 REPRESENTATIVE FARRY: Thank you, Chairman. And
5 folks, thanks for appearing here. I'll start with some
6 questions based on Mr. Cohen's testimony. During your
7 verbal testimony, you used the word tower at least three
8 times, and as best I can tell from your written testimony,
9 you used the word tower at least twice in the document. Do
10 you know how many times the word tower appears in the
11 legislation itself?

12 MR. COHEN: Good morning, Representative Farry.
13 Thank you very much for the question. So the term tower is
14 a term that's been addressed by the Federal Communications
15 Commission. And in their 2014 Wireless Infrastructure
16 Report and Order, the FCC said that a pole in the public
17 rights-of-way could be defined as a tower, could be termed
18 as a tower. In 2564 I don't believe the term tower is used
19 for facilities in the right-of-way, but for some companies,
20 one in particular that puts in 120-foot poles in the
21 rights-of-way, many would view that as a tower.

22 REPRESENTATIVE FARRY: Okay. But this doesn't
23 allow 120-foot pole in a right-of-way, correct, this
24 legislation?

25 MR. COHEN: I mean, I respectfully disagree, sir.

1 So, as I said before, it allows for 50-foot poles -- let's
2 call them poles, right? But then it gives wireless
3 companies the right -- that's the term in the
4 legislation -- the right to have a height waiver to have
5 any pole higher than that. So at least in my reading of
6 the bill, it would in fact allow for 120-foot pole in the
7 rights-of-way.

8 REPRESENTATIVE FARRY: Okay. Well, that's not
9 what the intent of the legislation is.

10 MR. COHEN: Okay.

11 REPRESENTATIVE FARRY: I believe when I met with
12 the stakeholders that are serving as this panel, it was
13 clear that we're just talking about in the right-of-way,
14 which is an important distinction from the previous piece
15 of legislation that was introduced, as well as tower. I'll
16 answer my own question. The word tower appears once, and
17 it's just in the definition of electrical transmission
18 towers. And what I'm concerned about is that there seems
19 to be -- I don't want to call it a scare tactic, but for
20 lack of a better term, a scare tactic in what's being put
21 out related to this bill.

22 You know, you began by saying it doesn't allow
23 any municipal review, and then further in your testimony
24 you talk about the number of days allowed for a municipal
25 review. As we move further down, you know, you talk about

1 the 41 municipalities out of the 71 that responded to your
2 survey that said that they haven't really had any problems
3 with approving the small cells in the rights-of-way, but
4 that is not very representative of the 2,500-plus
5 municipalities that are in this Commonwealth.

6 Again, you know, you bring in broadband. This
7 bill isn't about addressing broadband. This is about small
8 cells in the right-of-way. And I think that's a shiny
9 object that's kind of put out to again disparage this piece
10 of legislation. We have testimony from the Grange, written
11 testimony that was submitted that, you know, their desire
12 is to get broadband in the underserved areas. And they
13 believe this is a step that will help move that along. And
14 their written testimony is actually in favor of this piece
15 of legislation.

16 Moving further down in your testimony, you know,
17 you talk about basically how we haven't really worked
18 together. "There's been no substantive engagement to date
19 with the municipal associations about this legislation."
20 That is an outright lie. That is just not true. The very
21 first people that were met and handed as a group with the
22 draft legislation when I got it from Amanda Rumsey,
23 Executive Director of this Committee, are the folks sitting
24 at your table. They were given the legislation. We were
25 on a short window as we were trying to finish up the

1 budget. I asked for a response by week's end. I realize
2 that response was not going to be the most substantive
3 response, but I got a response emailed to me by Mr. Sanko
4 representing the four groups. So that meeting happened on
5 June 18th, and the email was received on June 22nd. I have
6 not heard from one of your groups at the table with any
7 requests for any other substantive changes since that time.
8 That was before the bill's introduction. It was before it
9 officially had a bill number. It was before this hearing
10 was announced. The only information I've received to date
11 is the testimony that we have here today.

12 But to characterize our efforts -- and my efforts
13 have been very open and trying to be inclusive. To
14 characterize those efforts as "no substantial engagement"
15 is completely disingenuous. And I don't think it's fair to
16 be presented to the public in that forum. You look forward
17 to have further discussions? So do I.

18 Now, what you guys have done is you have spent
19 your time working with the media on a campaign that I would
20 say is a bit, again, disingenuous, and it has some
21 disinformation in it. The first article ran in the
22 *Inquirer* dated July 31st, and the quotes, excuse me, here
23 it is. This is being labeled a "giveaway to big telecom.
24 It's one-sided for the industry." Now, this is what's
25 being said to the media without any further contact to me,

1 and it was well over a month later that this article ran
2 from my initial contact with your folks. I'm quoting the
3 article, "Farry said there will be compromises with the
4 proposed legislation, and he expects the final legislation
5 to contain higher fees to be paid by the wireless carriers
6 or those that operate the antennas." So, clearly, we're
7 willing to compromise and move forward.

8 And as recently as this week, there was an
9 article that appeared by Jan Murphy on PennLive and, you
10 know, again there's a bunch of different information out
11 there. You again talk about broadband and the lack of
12 high-speed internet in rural areas, again, not related to
13 this bill. And you're quoted as saying you fear that this
14 could "set a precedent that would lead to further stripping
15 away of municipalities' authorities to manage their right-
16 of-way." And, you know, I think that's pretty unfair
17 because I'm trying to have an open process here. I've been
18 very open that this is a floor, and I think every change to
19 this bill moving forward is going to be in favor of the
20 folks at this table and based on your concerns, as brought
21 forward today.

22 So instead of waging the war in the media, how
23 about you talk to me about and we can work on amendment
24 that addresses what the concerns are? Because, quite
25 frankly, that hasn't been what has transpired to date.

1 It's very clear there's going to be an amendment or
2 multiple amendments to this bill to address the concerns.
3 Fees are absolutely going to go up, and municipalities are
4 going to have their costs covered. But fees are also not
5 intended to be a revenue-generator. They're intended to
6 cover your municipal costs so that burden is not on the
7 taxpayers. And I know I'm preaching to the choir, but I
8 can assure you, whether I draft the amendment or others,
9 there will be fee increases.

10 As related to the boroughs' testimony, Ed, you
11 know, your resolution that was adopted at your conference
12 was before this bill was introduced, is that correct?

13 MR. TROXELL: That's correct.

14 REPRESENTATIVE FARRY: Okay. I would hope
15 everybody --

16 MR. TROXELL: That was also -- Representative
17 Farry, that was regarding more of a focus on 1620 as well.

18 REPRESENTATIVE FARRY: Understood. And I want to
19 work with you guys. I mean, is there anybody at the table
20 that doesn't think I don't want to work with you guys on
21 this?

22 MR. TROXELL: And we appreciate that,
23 Representative. However, earlier, you mentioned about the
24 associations. None of the telecom associations, okay, have
25 reached out to me regarding 2564, okay? I've got nothing

1 from them, so they haven't done anything on the
2 association, and you have.

3 REPRESENTATIVE FARRY: Right. And to be clear --

4 MR. TROXELL: Okay?

5 REPRESENTATIVE FARRY: -- I have spoken to them,
6 and they are aware that the expectation is the fees are
7 increased. There may be some changes in the timeliness of
8 the review period and some of the other concerns, and I'll
9 cover some of that during my closing statements. But
10 here's what I would like to see moving forward. If we're
11 going to operate in good faith --

12 MR. TROXELL: Exactly.

13 REPRESENTATIVE FARRY: -- you know, what I hope
14 happens with your four organizations is we don't go on the
15 scorched-earth campaign that went on with 1620. I
16 completely understand your concerns with 1620. If that was
17 brought up for a vote tomorrow, as written, I would be a
18 "no" vote even though I'm a cosponsor of it. What I ask,
19 though, is we don't start soliciting resolutions from our
20 member communities like what went on with 1620. We keep
21 the media moving forward in a positive direction until such
22 time that there's not a reason to say that because let's be
23 fair about it. This is going to be a process. That's why
24 the Chairman asked for a hearing. This is a very large
25 undertaking.

1 But I just think it's very important that we stop
2 the inflammatory language. You know, Mr. Cohen, your
3 testimony used the word "emasculate." I mean, that's a
4 pretty strong word saying we're emasculating the
5 authorities of the local governments. I'm paraphrasing,
6 but you used the word "emasculate." That's a pretty strong
7 word. And I think, you know, one of the things we have
8 here as elected officials and as the stakeholders in this
9 Commonwealth is -- the one thing we have is the way we
10 conduct ourselves and our word. And I'm hoping you guys
11 will give me your word that this will be a fair process.
12 We won't start the scorched-earth campaign, just like I'm
13 giving you my word that there's going to be changes to this
14 bill, assuming we have the votes for it -- but I will be a
15 "yes" vote -- to changes to the bill that move it in the
16 direction of your concerns.

17 MR. TROXELL: What I would have to make clear,
18 Representative Farry, is that my membership are
19 independent. And should they choose to draft resolutions
20 that you mentioned earlier, okay, we will not stand in
21 their way of doing such a thing. It is their right to pass
22 resolutions on anything from, say, the soda tax to the
23 plastic bags to other items they've done throughout the
24 years. This is not anything different. This is another
25 public-policy issue that we have to respect our membership

1 and what their positions are regarding any issue like this.
2 So I just can't say that we're going to prevent or stop a
3 resolution being passed by various boroughs.

4 REPRESENTATIVE FARRY: Okay. I completely
5 understand that your council is your supervisors, your city
6 council folks can do as they choose with resolutions, but
7 wasn't there an organized effort with 1620 to get them to
8 draft resolutions in opposition to 1620?

9 MS. STURGES: No. I would say that was not an
10 organized effort. Our members -- and I'll echo what Ed
11 said. Our members, whether they're boroughs, townships, or
12 cities, are very concerned about the preemption of zoning.
13 This is something they take very seriously. Our members
14 are our bosses, and so we have to try our best to protect
15 their interests. And for now, you know, we can tell them
16 they can view this testimony, this hearing and see that
17 you're willing to work with us, and we're very glad to hear
18 that, but they are their own independent governing bodies,
19 and if they choose -- if they are concerned about the
20 preemption of zoning and they choose to pass their own
21 resolution, we have nothing to do with it.

22 REPRESENTATIVE FARRY: I --

23 MS. STURGES: That's their prerogative.

24 REPRESENTATIVE FARRY: And I understand that.

25 I'm very clear on that. What I'm saying is an organized

1 effort because it's kind of convenient that anybody that
2 was a cosponsor of 1620 had our offices flooded with
3 resolution and the language was the same. The language in
4 those resolutions was the same, so I have to think
5 municipal solicitors raising that concern certainly
6 wouldn't have all had pretty much the same or identical
7 language. I mean, nobody put out an action alert on this,
8 1620?

9 MS. STURGES: There may have been action alerts,
10 but I can't --

11 REPRESENTATIVE FARRY: I believe there was.

12 MS. STURGES: -- tell you that they're -- but I
13 can sit here and say there was not a concerted effort.
14 That bill was very concerning to our members. If they
15 choose to put out a resolution, that is their prerogative.

16 REPRESENTATIVE FARRY: And --

17 MS. STURGES: And we can say that there's a
18 willingness by the sponsor and the Committee to work on
19 this. That's wonderful news to hear, and we can certainly
20 relay that to our members, but as they see the bill now,
21 they see that as a preemption of zoning authority.

22 REPRESENTATIVE FARRY: When we met on June 18th,
23 though, I was very clear to you guys that that was not
24 going to be final language, correct?

25 MS. STURGES: Yes, you were, Representative, but

1 you also gave us less than a week to provide information to
2 you on our concerns, and the bill was introduced soon
3 after. I can't exactly remember the day the bill was
4 introduced, but it wasn't long after if it was the end of
5 the week. And --

6 REPRESENTATIVE FARRY: No, the bill -- I have to
7 correct you on that. Sorry to interrupt but --

8 MS. STURGES: Okay.

9 REPRESENTATIVE FARRY: -- Amanda, the bill was
10 introduced about three weeks ago, is that correct? The
11 bill was introduced in late July if I'm correct, and we met
12 in --

13 MS. STURGES: Oh, okay. My mistake.

14 REPRESENTATIVE FARRY: Did you get --

15 MS. STURGES: July 13th.

16 REPRESENTATIVE FARRY: July 13th, and we met on
17 June 18th, so it was almost a month.

18 MS. STURGES: We provided some information to you
19 via email that budget week on our concerns, and the next we
20 heard was "The bill is being introduced. I know that it's
21 not a done deal or a final bill, and there's a hearing on
22 the 9th." I think that was the major points of your email.

23 REPRESENTATIVE FARRY: Right. But --

24 MS. STURGES: Our members see this bill as a
25 preemption, and until we start to have conversations -- I

1 think it's wonderful that we can work together to try to
2 figure out a compromise here, very glad to hear you say
3 that. But as the bill stands, there are big issues with it
4 that we have to convey as our members are our members.

5 REPRESENTATIVE FARRY: I understand, but we can
6 also choose not to send out action alerts that produce --
7 and, look, you guys can produce whatever resolutions you
8 want. You guys can send out your action alert. I'm just
9 trying to say in the effort of good faith moving forward,
10 the actions that have transpired in the last several weeks
11 don't seem to necessarily be in good faith. And the
12 testimony is -- not all the testimony, but the testimony is
13 not reflective of what's going on. I mean, to use the word
14 tower, if Joe Citizen or Mary Citizen hears tower, they
15 think it's a cell tower going up in the right-of-way.
16 Let's be honest about that. It's not a utility pole with a
17 five-foot extension put on top of it.

18 MAJORITY CHAIRMAN GODSHALL: You know, I have to
19 -- I want to interject here. You know, this is a hearing
20 to decide what we want to do and how we want to progress
21 with this bill, and we're going to move forward. And
22 that's the simple truth. That's what we're going to do.
23 So we've had -- you know, a tower to me means a tower. It
24 doesn't mean a telephone pole. And that, to the ordinary
25 person in this room when you say a tower, it's a tower.

1 And a tower goes way up there. So, you know, it's that
2 kind of language that doesn't help in putting this whole
3 thing together. And I've been in local government for a
4 long, long time, as David knows, for quite a long time, and
5 the local governments have not been involved in this. And
6 there's 2,562 municipalities, you know, 2,562
7 municipalities in the State, and we can't have 2,562
8 municipalities with their own thoughts and their own -- I
9 mean, you guys are sort of leading them along in where to
10 go.

11 I have four boroughs in my district. I haven't
12 heard a word from any of them. So, I mean, what's
13 happening? I haven't heard a word from any of my boroughs
14 or my municipalities.

15 MR. TROXELL: Regarding the boroughs, maybe they
16 haven't said any --

17 MAJORITY CHAIRMAN GODSHALL: They don't know.

18 MR. TROXELL: Or they may even be having
19 discussions with the industry that haven't even --

20 MAJORITY CHAIRMAN GODSHALL: I've talked to my
21 boroughs and that's not the case, sir.

22 MR. TROXELL: So it's hard to say what they're
23 doing unless we call them --

24 MAJORITY CHAIRMAN GODSHALL: So, you know --

25 MR. TROXELL: -- and discuss that.

1 MAJORITY CHAIRMAN GODSHALL: -- that's why we're
2 putting a bill together. We have 2,562 I believe
3 municipalities in the State, so what we're trying to do is
4 to come to some consensus that's agreeable to everybody,
5 and that's what we're trying to do.

6 MR. COHEN: Mr. Chair, Representative Farry, let
7 me just say that we would absolutely welcome that kind of
8 discussion. I personally would welcome that kind of
9 discussion so we could sit down and actually talk about the
10 components of the bill and how it could possibly be revised
11 to be able to accommodate everyone. We absolutely would
12 welcome that discussion.

13 MAJORITY CHAIRMAN GODSHALL: Well, and there's
14 one thing that we're going to insist on, that maybe we want
15 to cover costs, but in the end, the taxpayers are the ones
16 that are paying it, and I want to make sure that costs --
17 and so does Representative Farry -- that costs are costs
18 are costs and that this is going to be a new tax break for
19 the municipalities or for anybody else. When we look at
20 cost, we want to make sure it's costs.

21 MR. COHEN: We completely agree on that point,
22 Mr. Chair. Municipalities, unlike some other States where
23 there are revenue-based fees, legally, you can't do that in
24 Pennsylvania anyway, but we agree on that concept, that it
25 should just be cost recovery. The problem is 25 bucks, 50

1 bucks, that's not cost recovery.

2 MAJORITY CHAIRMAN GODSHALL: Well, okay. As I
3 said, I have a little bit of municipal experience, and I
4 know that they're out there looking for, you know, help as
5 far as taxes go, you know, which is one thing we want to
6 make sure doesn't happen.

7 David, you want to --

8 MR. SANKO: I just want to add because everybody
9 has and I want to be -- said I didn't voice. Our members,
10 too, are independent and can choose to make their own
11 policy decisions, but I will respond to Representative
12 Farry's request and pledge to you that PSATS as an
13 association will not engage in any type of, you know,
14 resolution-collection process. In fact, we will ask our
15 members to -- and we will educate them and tell them what's
16 going on and share what happened at the hearing here today
17 and your collective willingness to work and partner with
18 the local government groups to find a resolution. We will
19 ask them to encourage them to keep their powder dry until
20 that is done or until we get to a point where it's clear
21 that there's not going to be a resolution.

22 MAJORITY CHAIRMAN GODSHALL: Representative
23 Neilson.

24 REPRESENTATIVE NEILSON: Thank you, Mr. Chairman.
25 Let me start off. You all testified today that the fees

1 that are in the bill that the Chairman had just identified
2 that need to increase, obviously, you all looked at them.
3 What do you feel that fee should be? You looked at them,
4 you testified here today. You said, well, \$25, \$50 is not
5 enough. What is it? What's that number that you think,
6 through your research, and let us know how you came to that
7 number and if you could share that with us as well, share
8 that with the Chairman.

9 MR. TROXELL: Well, Representative Neilson, just
10 briefly, we stress primarily that negotiating any fees, any
11 costs, any agreements are primary for all of our members,
12 and therefore, to really put a distinct number on there is
13 difficult for me to say from my perspective. The existing
14 number in the bill, that really, to be nailed down to
15 something I'm sure -- I mean, Dan here can expand on that a
16 big.

17 REPRESENTATIVE NEILSON: Well, you said that
18 existing numbers don't work.

19 MR. TROXELL: Yes, the existing numbers --

20 REPRESENTATIVE NEILSON: Okay.

21 MR. TROXELL: -- don't work, but --

22 REPRESENTATIVE NEILSON: So what are the costs?
23 Can you share those costs with all the people that you
24 represent on what it costs to maintain them now --

25 MR. TROXELL: Sure.

1 REPRESENTATIVE NEILSON: -- so we can get an idea
2 and look at a real number instead of just pulling numbers
3 out of a hat, which being involved in municipal government
4 myself, sometimes they do that.

5 MR. TROXELL: A lot of that -- why I hedge to
6 bring a distinct number to the table is because a lot of
7 that has to be dependent upon the very community itself.

8 REPRESENTATIVE NEILSON: Okay. So this number --

9 MR. TROXELL: Someone could --

10 REPRESENTATIVE NEILSON: -- may work for some
11 communities?

12 MR. TROXELL: Yes, it may work for some
13 community.

14 REPRESENTATIVE NEILSON: Okay.

15 MR. TROXELL: They could do it for a song, but
16 then for others, maybe they have new streetscape projects.
17 We have downtown revitalization going on. All those things
18 have to be looked at, and so that's why the negotiation
19 process is so vital to this.

20 MR. COHEN: Representative Neilson, I included in
21 my testimony what the current fees are for municipalities
22 that we work with, so I think that may be at least a good
23 starting point in terms of what municipalities would be
24 looking for. And I think those fees do accurately
25 represent what municipal costs are. So those are in my

1 testimony, and I'm glad to repeat them here, but --

2 REPRESENTATIVE NEILSON: No, that's --

3 MR. COHEN: -- I think they're included there.

4 REPRESENTATIVE NEILSON: I read the testimony
5 pretty well, and in fact, I've read yours very well,
6 studied it a little last night, and I --

7 MR. COHEN: Thank you.

8 REPRESENTATIVE NEILSON: -- have a little -- I'm
9 not getting the same results out of the bill that you are.
10 It's contradicting. Like if I read the bill right, Section
11 3(f) when it pertains to underground districts, it requires
12 wireless providers to comply with underground sitting
13 requirements that would be permitted to apply for a waiver,
14 and that waiver process, apply for waiver, it calls for
15 public hearing and all. I'm not seeing -- you know, it
16 contradicts exactly what you're talking about. There's a
17 provision and a section that calls for a public hearing and
18 approval of both the property owner and the municipality
19 before a waiver, and that waiver is part of zoning. I
20 mean, that is zoning. I mean, you're not --

21 MR. COHEN: Well --

22 REPRESENTATIVE NEILSON: It calls for that, and
23 you're saying, no, it doesn't. It can just do it by right.
24 That's not what -- I must be reading it differently than
25 you. I'm not an attorney; I'm just an electrician who

1 actually installed these before, so --

2 MR. COHEN: Representative --

3 REPRESENTATIVE NEILSON: -- please mind me. I'm
4 just a little kid from Philly, and I'm trying to make
5 certain, you know, that we all --

6 MR. COHEN: I totally respect that.

7 REPRESENTATIVE NEILSON: Yes.

8 MR. COHEN: I mean, look, it's hard to do
9 wireless underground, right?

10 REPRESENTATIVE NEILSON: You can't. I mean --

11 MR. COHEN: Right.

12 REPRESENTATIVE NEILSON: -- I know my phone
13 doesn't even work --

14 MR. COHEN: As an electrician, you know that.

15 REPRESENTATIVE NEILSON: -- in my basement, okay?

16 MR. COHEN: So that's why we focus really more on
17 the above-ground stuff. Certainly, a wireless network does
18 include a lot of fiber, and some of that fiber can be
19 underground, absolutely, but our focus really is on the
20 above-ground, the poles, the antennas, those --

21 REPRESENTATIVE NEILSON: All right. I was just
22 going --

23 MR. COHEN: -- sorts of things.

24 REPRESENTATIVE NEILSON: -- off your testimony
25 because in your testimony you talked about this, and you

1 said, well, they automatically -- in underground districts,
2 they can just put up a pole.

3 MR. COHEN: I --

4 REPRESENTATIVE NEILSON: They can't without the
5 municipality's approval.

6 MR. COHEN: I don't think I mentioned --

7 REPRESENTATIVE NEILSON: Am I reading that
8 correctly?

9 MR. COHEN: -- underground in my testimony,
10 but --

11 REPRESENTATIVE NEILSON: Okay.

12 MR. COHEN: -- I don't believe --

13 REPRESENTATIVE NEILSON: Also, the height limits
14 if I can. Mr. Chairman, this is it. I'm done after this.
15 We're short on time. The height limits, it talks about new
16 poles, 50 feet, they can be 5 feet higher than the tallest
17 pole in the area where they're putting it in, but it
18 doesn't talk -- can you point to the section of the bill
19 that says wireless providers can automatically install 120-
20 foot pole in my backyard or my front yard? Because it does
21 trigger -- if it goes higher than that, again, it triggers
22 zoning and hearings from my understanding of the bill. If
23 you can just show me where in the bill that wireless
24 providers can automatically install 120-foot pole in my
25 backyard, I'd appreciate it --

1 MR. COHEN: Sure.

2 REPRESENTATIVE NEILSON: -- because I can't find
3 it.

4 MR. COHEN: I'd be happy to. So, look, this bill
5 -- let's be very clear. This bill preempts municipal
6 zoning authority when it comes to wireless facilities in
7 the rights-of-way. That is very clear from the bill. It
8 may not be what's intended by the bill, and that would be
9 great, but it --

10 REPRESENTATIVE NEILSON: Well --

11 MR. COHEN: -- specifically --

12 REPRESENTATIVE NEILSON: -- from what I read, it
13 triggers a waiver process, and a municipality, who handles
14 that waiver process like the City of Philadelphia, we don't
15 issue waivers, we go through zoning and we go through a
16 whole zoning process. I mean, we're just that little
17 first-class city in a big old State, but we are the only
18 first-class city. But it triggers zoning, which triggers
19 the community groups' involvement, which triggers the
20 councilmen or women, whoever's elected to represent, it
21 triggers all that stuff.

22 MR. COHEN: With all due respect, and I'm sorry,
23 I have the greatest respect for --

24 REPRESENTATIVE NEILSON: All right.

25 MR. COHEN: -- you, it does not. I mean, the

1 bill says that "Subject to the provisions of this act or a
2 municipal ordinance consistent with this act, a wireless
3 provider shall have the right as a permitted use not
4 subject to zoning review or approval to collocate an
5 antenna on an existing pole or to install a new utility
6 pole," not subject to zoning review or approval. So it
7 preempts zoning authority. Again, that may not be the
8 intention of the bill, but that is in fact what the bill
9 says.

10 And on the issue of whether you can put a 120-
11 foot --

12 REPRESENTATIVE NEILSON: Yes, I'm talking about
13 the height limit.

14 MR. COHEN: Sure.

15 REPRESENTATIVE NEILSON: I mean, I'm specifically
16 addressing the height.

17 MR. COHEN: Sure.

18 REPRESENTATIVE NEILSON: In some instances, yes,
19 it does take the zoning out of it --

20 MR. COHEN: So Section 3 --

21 REPRESENTATIVE NEILSON: -- and I agree with you
22 there.

23 MR. COHEN: Sure. Okay. Thank you. I
24 appreciate it. Section 3 --

25 REPRESENTATIVE NEILSON: 3(e).

1 MR. COHEN: Yes. Yes. 3(e) on the height --

2 REPRESENTATIVE NEILSON: Is what you said, 120-
3 foot can just go in my backyard, and I don't think it can
4 from what I'm reading.

5 MR. COHEN: Right. And this may be the need to
6 expand upon what that height limit waiver request means,
7 right, because it really doesn't give any kind of process
8 for that. And, I mean, as an attorney, I just read the
9 words. The words say that a wireless provider shall have
10 the right. Right is a big term in the law, right? That's
11 a legal right to replace the utility pole that exceeds
12 these height limits, the 50-foot limit, by including a
13 height waiver request in the application.

14 REPRESENTATIVE NEILSON: Yes, that's the waiver
15 request, which is zoning and triggers that.

16 MR. COHEN: Which would take you up over 50 feet.

17 REPRESENTATIVE NEILSON: But that triggers the
18 zoning, and that's what I'm trying -- I mean, I know it
19 does in my neighborhood --

20 MR. COHEN: I would hope that would be --

21 REPRESENTATIVE NEILSON: -- maybe not in yours
22 but in mine --

23 MR. COHEN: I would hope that would be true.

24 REPRESENTATIVE NEILSON: -- it does. Okay.

25 MR. COHEN: Yes.

1 REPRESENTATIVE NEILSON: So you need a further
2 clarification. You would like a further clarification from
3 us what that right to apply for a waiver is?

4 MR. COHEN: Well, absolutely. I think the entire
5 bill preempts zoning, but in that section, yes, that would
6 be very helpful.

7 REPRESENTATIVE NEILSON: All right. Thank you,
8 Chairman.

9 MAJORITY CHAIRMAN GODSHALL: Okay. We have to
10 continue. Representative Charlton.

11 REPRESENTATIVE CHARLTON: Thank you,
12 Mr. Chairman. Thank you, members, for coming to speak to
13 us.

14 Mr. Sanko, I want to thank you for your
15 presentation. I think it was pretty balanced overall. I
16 mean, you accept that there are a lot of positives to what
17 we're looking at, and you do have some questions, and I
18 think most of them are valid. The one area, though, that
19 I'm going to challenge you on is your reference to who is
20 the public. "The public is a subset of wireless customers
21 who want to rely on greater wireless access," dot, dot,
22 dot, dot, dot. "This is to provide capacity for the
23 customers' insatiable desire for data and bandwidth." That
24 public, you're referring to my constituents, and for your
25 commissioners in my area, their constituents, too. I don't

1 think the constituents are going to appreciate hearing from
2 their township commissioner that the video system or the
3 security system that they set up in their house doesn't
4 work well because they won't approve a right-of-way access
5 on a utility pole that's currently existing in their yard
6 or down the street from them.

7 You know, this "insatiable" appetite that we're
8 referring to here, this is for greater security with their
9 video system. This is for energy efficiency in these new
10 thermostats and, frankly, for convenience for them. I'm
11 not sure that they're going to want to hear that these
12 systems don't work properly because we got into a right-of-
13 way squabble over who's allowed to put what where. I think
14 that's going to become a serious challenge not only for us
15 but also for the elected officials at the township level.

16 You know, this bill was never intended to provide
17 greater access to rural areas, and it's certainly something
18 that we've been trying to address and come up with
19 solutions to. This legislation is created to help the
20 public who do have wireless access currently but the
21 systems aren't working properly because of limited signal
22 strength. So I just want to put that out there that I
23 think, you know, this is going to be something that is only
24 going to become a greater issue with the Internet of
25 Things.

1 And I appreciate that you recognize that we can
2 work together on this, but to say that, you know, the
3 constituents have this insatiable appetite, I don't think
4 that they're going to appreciate being told that.

5 MR. SANKO: Maybe my communication skills are a
6 little rusty because that's what I -- I didn't intend that
7 to be as a negative. I think that insatiable appetite is
8 something that we all have to come to grapple with, that
9 the demand for this service is going to continue to grow
10 year after year after year. And insatiable is not a bad
11 phrase. I mean, I didn't talk about the necessity of this
12 service. I mean, we all know we need it for economic
13 development, we need it for education, we need it for
14 recreation. I mean, there's a ton of reasons why we need
15 this and our residents need it and want it.

16 And you're right; they're not going to be saying,
17 you know, why can't I watch this game? Why can't I, you
18 know, when I'm at work dial up on my smartphone and watch
19 the baby monitor to make sure that everything's okay?
20 We're in total agreement that that's something that's out
21 there.

22 Actually, my point was to be supportive that we
23 need to find a way to make sure that that very need is met,
24 and that's what this bill is intended -- my point was to
25 say that this bill is not about the rural area; it is about

1 the area that is already built out, that is populated, that
2 has a demand. And frankly, right now, I don't know that we
3 can even understand what their demand is. I mean, the
4 average household today -- and I came back from our
5 national conference two weeks ago. The average household
6 today has 10 wireless devices. We were told that in four
7 years the average household would have 50 wireless devices.
8 And, you know, as we sit here today, nobody has the
9 capacity to meet that expected demand, and this is about
10 developing a partnership to be able to have that capacity
11 because they're going to buy the stuff and they're going to
12 want it to work. And we all have an obligation to make
13 sure that it does work. I mean, when I heard 50, I was
14 like, holy cow, I'm going to have like phones strapped
15 around my waist.

16 But it's not about phones and tablets. It's
17 about all the other -- it's the wireless doorbell and the
18 monitors and turning your lights on so when you get home at
19 night you can feel safe. I mean, some people want to be
20 able to see what's in their refrigerator and do their
21 grocery shopping. I mean, there are wireless devices that
22 dial your refrigerator. I don't know that I ever want one
23 of those, but we want to meet that demand.

24 REPRESENTATIVE CHARLTON: Okay. Well, I
25 appreciate that answer. I just want to make sure, you

1 know, that the township commissioners understand that, you
2 know, this is something for consumers but it's their
3 constituents as well. So I appreciate that. Thank you.

4 MAJORITY CHAIRMAN GODSHALL: Thank you. That's,
5 I think, all for the panel right now. And we went a little
6 longer than we expected here. I'd like to call the next
7 panel.

8 The next panel is Bethanne Cooley, Senior
9 Director, State Legislative Affairs of CTIA; Frank
10 Buzydlowski, Director of State Government Relations,
11 Verizon; David Kerr, External Affairs-Pennsylvania, AT&T;
12 Michelle Painter, Counsel, Government Affairs, Sprint; and
13 Jodie Stuck, Malady & Wooten, T-Mobile. When you're ready.

14 MS. COOLEY: Good morning, Mr. Chairman, Members
15 of the Committee. My name is Beth Cooley. I am the Senior
16 Director of State Legislative Affairs at CTIA.

17 We wanted to do a panel here today. I'm going to
18 sort of take a different approach. I was asked to actually
19 sort of do a presentation of sorts to explain why House
20 Bill 2564 is important, why it's needed. So I believe
21 everyone has handouts of my PowerPoint presentation, and I
22 will go through that, and then my esteemed colleagues from
23 the wireless carriers would be happy to answer any
24 questions about the bill and also why it's needed.

25 So I don't know if we want to do introductions

1 down the panel or if you just want me to jump right in?

2 MAJORITY CHAIRMAN GODSHALL: Jump right in.

3 MS. COOLEY: All right. Jump right in.

4 MAJORITY CHAIRMAN GODSHALL: Yes.

5 MS. COOLEY: All right. Well, thank you again
6 for having me here today. I am with CTIA. We are here in
7 support of House Bill 2564. And I kind of go by handout,
8 so if you move to handout #2, I am with CTIA. We do
9 represent the U.S. wireless industry. Our members consist
10 of the wireless carriers, the device manufacturers,
11 suppliers, and the app companies.

12 Moving to the third handout, I wanted to kind of
13 provide an overview of the impact that the U.S. wireless
14 industry has here in the United States, here in the
15 Commonwealth, what we're doing now, and where we're going.
16 So if we're on handout #3, you can see that wireless plays
17 a pivotal role in driving our economy today. The wireless
18 industry contributes \$475 billion to the U.S. economy
19 annually. In fact, every wireless job creates an
20 additional 7.7 jobs throughout the broader economy,
21 ultimately supporting 4.7 million U.S. jobs across
22 ecosystem sectors. And these jobs, they're good-paying
23 jobs. Wireless employee wages are 50 percent higher than
24 the average wage.

25 I love this particular slide on handout #4. This

1 shows that the wireless industry's contribution to the U.S.
2 economy supersedes others. In fact, it is three times that
3 of the agriculture, forestry, fishing, and hunting
4 industries, almost four times the motion picture and sound
5 recording industries, and almost 4.5 times the air
6 transportation industry. So if the U.S. wireless industry
7 were an economy, it would be the 24th largest economy in
8 the world.

9 And so that's in the U.S., but wireless also
10 powers Pennsylvania. Over 102,000 jobs, that's the number
11 of jobs the industry supports in Pennsylvania, which does
12 not include construction jobs; \$16.2 billion, that's the
13 amount the industry generates for Pennsylvania's GDP; and
14 13.4 million, that's the number of wireless subscriber
15 connections in Pennsylvania. What that means is that there
16 are actually more wireless devices in Pennsylvania than
17 there are people.

18 So having given sort of the overview of the
19 national economic contribution of the U.S. wireless
20 industry, I wanted to talk about what are consumers doing
21 with their wireless devices. And that's sort of already
22 been discussed. As you look at this graph on handout #6,
23 you can see that data-only devices have grown 147 percent
24 since 2013. And folks are using a lot of data. Year over
25 year, data usage trended up as Americans continued to

1 embrace the power of wireless connectivity. Data use has
2 increased 40 times since 2010. Specifically, last year in
3 2017, we saw over 14 trillion megabytes carried over U.S.
4 wireless networks, which is another record. So what does
5 that mean, you know, 15 trillion megabytes? That is the
6 equivalent of over 249 million people individually
7 streaming every available episode of *Game of Thrones* in
8 H.D., so that is a lot of data.

9 So where are we going? What are we doing about
10 this explosive demand? How do we accommodate it? If you
11 have a wireless device in this room, which our data
12 suggests you probably have more than one, in the upper
13 right-hand or left-hand corner, you will see 4G LTE.
14 That's fourth generation long-term evolution. That's
15 today's networks. We are now looking at 5G or fifth
16 generation, and that is the answer to consumers' growing
17 data usage.

18 5G networks will be five times as responsive as
19 4G networks, and this means that the latency or the time
20 between data sending and receiving will be reduced by five
21 times, which makes 5G especially well-suited for those
22 mission-critical communications in areas like telemedicine,
23 public safety, and first response.

24 5G will also serve up to 100 times more devices,
25 which means, it was already referenced, that the Internet

1 of Things, or IoT, can connect a vast array of previously
2 unconnected objects from streetlights to trashcans to
3 parking meters and crops.

4 Finally, 5G will be 100 times faster than 4G,
5 which makes it a great backbone for those bandwidth-
6 intensive technologies like V.R. and high-resolution images
7 and videos.

8 Also, 5G is a really exciting time for economic
9 development in the United States. According to Accenture,
10 5G will bring about 3 million new jobs nationally, \$500
11 billion contributed to the U.S. GDP, \$275 billion will be
12 invested by these folks on my panel, and \$160 billion in
13 smart-city benefits and savings.

14 Now, moving on to handout #9, Accenture also has
15 a formula that can take those 3 million national jobs and
16 hone in on a particular region, so if you're looking at
17 Philadelphia, for example, we're talking over 14,000 jobs
18 created; Reading, over 800 jobs created; Allentown, over
19 1,100 jobs created; and here in Harrisburg, over 450 jobs
20 created.

21 So I was asked to kind of talk about, you know,
22 this sounds great, but what are some real applications of
23 some of these 5G solutions? And so I wanted to talk about
24 just a few areas in this presentation. And the first area
25 I wanted to talk about is smart communities because I think

1 that's probably what is, particularly for this Committee,
2 at the forefront of everyone's mind. So in smart
3 communities, we're talking about with infrastructure;
4 remote monitoring of roads, bridges, buildings, parks, and
5 venues; citizen convenience; real-time traffic, including
6 consideration of traffic lights and smart parking in which
7 you can find a spot and reserve it.

8 Public transportation, this is huge. I'm from
9 Washington, D.C., and we have some issues with our public
10 transportation sometimes. This would have digital signage
11 to let commuters know when the next bus or train will
12 arrive. As just one example, 5G will make flexible bus
13 management possible, allowing bus stops and people to tell
14 the bus when people are waiting and when to tell bus
15 drivers to skip a particular stop and go to the next one
16 where you have high demand.

17 And public safety, this is also very important.
18 You could have alerts of incidents such as a shooting,
19 which could enable better response and improve safety.
20 Enhanced sensors can actually differentiate between a car
21 backfiring and a gunshot. And also, public safety but also
22 a little more health care, we're talking about real-time
23 transmittal of health information from an ambulance to the
24 hospital where the patient is going so the hospital can be
25 prepared for the incoming patient.

1 And speaking of health care, on handout #11,
2 according to Deloitte, wireless devices could create \$305
3 billion in annual health savings from reduced costs and
4 mortality due to chronic illness. And it's important to
5 note that some of this is happening today. For example, in
6 California, a healthcare system saved rural hospital
7 emergency departments over \$4,500 on each hospitalization
8 by leveraging telehealth and telemedicine to reduce patient
9 transfers from rural to urban areas. In addition, a
10 cardiac program in Massachusetts has seen a 51-percent
11 reduction in heart-failure readmissions thanks in part to
12 wirelessly enabled remote monitoring.

13 Also, I previously mentioned public safety, but I
14 think it's important to mention it again, that 5G can help
15 save lives. A 60-second improvement in first-responder
16 response time translates to a reduction of 8 percent in
17 mortality. Let that sink in. That faster response time
18 can save lives.

19 And finally, on handout 12, smart grid and the
20 energy sector, wireless-enabled energy distribution can
21 help save \$1.3 trillion. And again, this is happening
22 today. In Sacramento, California, for example, they've
23 leveraged wireless technology to reduce their energy
24 outages by 37 percent from 2009 to 2013. Also in Florida,
25 Florida Power and Light customers are now saving on average

1 \$191 a year on their electricity bills thanks to wirelessly
2 connected smart meters.

3 And then a final area is autonomous vehicles or
4 autonomous cars. Wireless-powered self-driving cars could
5 save nearly \$450 billion each year, but more importantly,
6 over 20,000 lives per year.

7 So having talked about all that excitement, how
8 do we get there? House Bill 2564 addresses streamlining
9 the process of small wireless infrastructure, as you've
10 heard commonly referred to as small cells. Small cells
11 will accommodate that explosive demand I was talking about
12 today, but they will also facilitate 5G and those exciting
13 solutions that I just talked about. Small cells can extend
14 the network on common structures like municipal
15 streetlights and utility poles. And we're going to need
16 about 300,000 of them over the next three to four years.
17 So to put that into context, we have about that number of
18 macro 200-foot towers that we've put over the last 30
19 years, so we need to do in three to four years what we
20 previously did over 30 years.

21 So my next few handouts are actual pictures of
22 small cells and some animation digital pictures. As you
23 can see, small cells are wireless antennas that can be
24 placed on an existing structure such as a streetlight,
25 rooftop, utility pole. And the next few handouts are

1 actual small cells that are deployed today.

2 And because I'm a big fan of visual
3 representation, I actually brought a small cell with me
4 today. This is from Ericsson. This is about 8 pounds, and
5 this is what would go on the side of the pole. There will
6 be an additional antenna that will be on top for the
7 receiving, but this is where the radio heads are. And I'm
8 happy to play show-and-tell, but please don't steal it
9 because Ericsson would be very, very mad at me. If you
10 folks want to pass that, it's up to you. You want to pass
11 it?

12 So as you look at the other handouts, those are
13 actual deployments as well on handouts 15 and 16. I
14 probably should have waited to hand that out. I'm sure
15 everyone can listen, but that's okay.

16 So we're on handout 17. So why are we here
17 today? With respect to small cells, some of the challenges
18 or, as I would like to frame it, the opportunities that we
19 have, so many of the rules and regulations for
20 infrastructure are decades old, put in place when those
21 200-foot cell towers that are miles apart when those towers
22 were the norm. Some of those rules and practices are left
23 over, but whether they're inadvertent or intentional, the
24 result is the same: less investment and less jobs.

25 We've seen infrastructure applications blocked

1 outright, exorbitant fees and waiting periods that last for
2 months or even years. So modernized relief will help meet
3 consumers' increasing wireless demand, unlock wireless-
4 powered smart community solutions that I talked about, and
5 create millions of jobs.

6 So onto handout #18, you know, we are arguing and
7 advocating that we have new networks, and we need new
8 rules, and that's what House Bill 2564 does. Our
9 infrastructure reform really comes down to three key
10 issues: greater access to government-owned property like
11 utility poles and right-of-way; reasonable and
12 nondiscriminatory fees reflecting municipalities' direct
13 management costs; modernized processes providing reasonable
14 schedules, uniform approaches, and objective standards.

15 And handout #19, I think this might be one of the
16 most important handouts, is that we cannot emphasize strong
17 enough that we do believe municipalities have a key role
18 here. Under this bill, cities and towns retain local
19 oversight of the permitting process and have the right to
20 deny an application. They just need to tell us why so we
21 can fix it. In addition, another example is that, you
22 know, if the municipality pole does not support the type of
23 equipment that we have. They can reject that application
24 or just require us to put a new pole up. Local government
25 remains in control and oversight over engineering and

1 safety standards. In addition, municipalities retain
2 requirements for building electrical and public way use
3 permits.

4 So I promise I'm getting close towards my end,
5 and I just have a couple slides left, but I just want to
6 sort of close by saying that I've been working on this
7 issue for the last two years with the industry and our
8 coalition partners and stakeholders, and to date, 20 States
9 have passed similar legislation to House Bill 2564. Every
10 bill is slightly different. The State and local government
11 needs are slightly different. But in some way all the
12 bills in those 20 States address three principles: greater
13 access, reasonable costs and fees, and modernized
14 procedures.

15 And then finally, my last handout, these are the
16 public vote counts in the 20 States that have passed these
17 bills. As you can see, this is not a partisan issue,
18 Republican, independent, Democrat. You can see these are
19 overwhelmingly supportive votes and in some cases
20 unanimous.

21 So I'd just like to close by saying that, you
22 know, at the end of the day I don't think that our
23 interests are in conflict. Towns, cities, boroughs, they
24 want for themselves and their constituents the same 5G
25 services that the wireless companies want to provide to

1 their customers.

2 So thank you very much for the opportunity to
3 present before you today. I would welcome any questions at
4 the appropriate time. Thank you.

5 MAJORITY CHAIRMAN GODSHALL: Representative
6 Farry?

7 REPRESENTATIVE FARRY: Thanks, Chairman. I'll be
8 quick. Just a couple things we want to clarify. There was
9 a misnomer out there publicly earlier this year that these
10 installations will require a refrigerator-sized device
11 every 500 feet in people's yards. Is that accurate or no?

12 MS. COOLEY: That is not accurate.

13 REPRESENTATIVE FARRY: Okay. Just to follow up
14 on the previous panel, the legislation, as drafted, is not
15 allowing for towers, as we'll call them towers and not
16 poles, and not allowing for 120 feet in the right-of-way,
17 is that correct?

18 MS. COOLEY: That is correct. These will be 50
19 feet. If they go higher, then they absolutely have to go
20 through regular zoning where you have proper hearings and
21 input from all.

22 REPRESENTATIVE FARRY: Okay. And we heard the
23 concerns raised by the municipal groups. In a general
24 sense, I wrote if you guys can't agree to specific terms,
25 then you have to send it back up a pipeline, but you guys

1 are open to working with the municipal groups so we work on
2 the fees and just clarify some of the approvals and all?

3 Is that a fair general statement?

4 MS. COOLEY: Absolutely.

5 REPRESENTATIVE FARRY: Okay. Everybody's
6 nodding --

7 MS. COOLEY: Yes.

8 REPRESENTATIVE FARRY: -- for those that may be
9 listening. That's it, Mr. Chairman. Thank you.

10 MAJORITY CHAIRMAN GODSHALL: Quickly,
11 Representative Neilson.

12 REPRESENTATIVE NEILSON: Quickly?

13 So if I can clarify even further on
14 Representative Farry, you would be open for these height
15 limitations for a full zoning review if it goes over a
16 certain height and stuff like that? You think you'd be
17 open to the -- because we heard the concerns previously
18 that we can't do it. And Frank, you live by me, so we go
19 through all this all the time already.

20 MR. BUZYDLOWSKI: Been before the ZBA many times,
21 and yes, if --

22 REPRESENTATIVE NEILSON: Yes.

23 MR. BUZYDLOWSKI: So if one of us wanted to put a
24 120-foot pole, it should go through the zoning process.

25 FEMALE SPEAKER: And that's what was meant by the

1 inclusion of the waiver language is that it would --

2 REPRESENTATIVE NEILSON: That's what I thought.

3 FEMALE SPEAKER: -- absolutely trigger. But if
4 it needs to be clarified with belt-and-suspenders language,
5 we are more than committed to provide that belt-and-
6 suspender language to you.

7 REPRESENTATIVE NEILSON: Because that's how I
8 took the bill as well, the legislation that I've always
9 done, that waiver, you had to go get it. That included the
10 zoning and made the community involved.

11 One quick question on your slide, I don't know
12 what number it is to you, but it talks about the economic
13 development benefits of Pennsylvania. It talks about jobs.

14 MS. COOLEY: Yes.

15 REPRESENTATIVE NEILSON: What kind of jobs?

16 MS. COOLEY: So these jobs --

17 REPRESENTATIVE NEILSON: I'm from Philadelphia,
18 so you're telling me I'm going to get 15,000 new jobs?
19 Because I would hope that the providers would use their
20 existing workforce and their agreements in place to install
21 all this new equipment. I mean, am I right in assuming
22 that, that will happen?

23 MS. COOLEY: So I'll start it off. So yes, the
24 number for Philadelphia, they are new jobs. They're a
25 variety of jobs. They are direct and induced jobs. So

1 direct construction jobs, obviously, folks need to be
2 trained on how to put these things in, how the electricity
3 works, install them safely, again, according to local
4 governments' guidelines. And then these are induced jobs
5 of what the 5G economy is going to create, a lot of which
6 we don't know because if you think just 10 years ago what
7 an app was, there was no app economy. So we don't know
8 what's going to happen. In any of the silos that I
9 discussed from health care to smart communities, local
10 government is going to need folks to remotely monitor that
11 traffic so you can find --

12 REPRESENTATIVE NEILSON: Okay. I just wanted to
13 clarify that because I wanted to make sure these weren't
14 specifically in installing these devices. This is the
15 after-effects after market.

16 MS. COOLEY: They're both. It's both, direct
17 and --

18 REPRESENTATIVE NEILSON: Do we have any direct
19 jobs on how many jobs will be created just by the
20 installation and construction of these?

21 MS. COOLEY: I can look into that.

22 REPRESENTATIVE NEILSON: That'd be great.

23 MR. BUZYDLOWSKI: And, Representative, let me add
24 to that from Verizon's perspective. In the City of
25 Philadelphia, you know, we have contractors that install

1 the small cells. They all use organized labor. Local IBEW
2 Local 98 does the work, and I would expect that the more of
3 these we are going to put in, the more of those union
4 workers are going to be employed.

5 REPRESENTATIVE NEILSON: Well, she pointed out
6 that they're good wages and stuff like that, so the
7 International Brotherhood of Electrical and the CWA,
8 communication workers, they do a lot of this work now, and
9 I want to make certain that this would all be covered under
10 those agreements within. This way, they're not losing
11 their jobs as well. And I don't want --

12 MR. BUZYDLOWSKI: Right.

13 REPRESENTATIVE NEILSON: -- new technology coming
14 in and costing them their existing jobs, and that's always
15 been a concern of us. We want to move forward in
16 technology, but we want to make sure we move ahead
17 together.

18 MR. BUZYDLOWSKI: And remember, for every one of
19 these that is installed, it has to be connected to
20 fiberoptics. And speaking for us, a Verizon landline puts
21 the fiberoptics in, and we're represented by CWA.

22 REPRESENTATIVE NEILSON: Right. Thank you, Mr.
23 Chairman. That was quick.

24 MAJORITY CHAIRMAN GODSHALL: Yes. Representative
25 Caltagirone.

1 DEMOCRATIC CHAIRMAN CALTAGIRONE: Thank you, Mr.
2 Chair. I'll make this quick also.

3 Frank, communications with CWA, we're going to
4 make sure that communications continues with them because
5 at the present time they're opposed to the legislation, and
6 I think communications have got to be made with them in
7 order to get some details in working this out. That's
8 number one.

9 MR. BUZYDLOWSKI: I noticed Alex sitting behind
10 me, and I'd be happy to work with him to address his
11 concerns.

12 DEMOCRATIC CHAIRMAN CALTAGIRONE: The next thing
13 is, and my E.D. wanted to know, are those boxes bigger than
14 that that are put on the poles? Because there is some
15 concern about --

16 MS. COOLEY: So --

17 DEMOCRATIC CHAIRMAN CALTAGIRONE: That's a pretty
18 heavy piece of equipment.

19 MR. BUZYDLOWSKI: Well, this one's going to wind
20 up on the Verizon pole in front of Representative Neilson's
21 house I suspect, unless we lock it up, but Beth will answer
22 the rest of the questions.

23 MS. COOLEY: So while you have the wireless
24 carriers here, it's their suppliers that create these, so
25 this is an Ericsson --

1 DEMOCRATIC CHAIRMAN CALTAGIRONE: Right.

2 MS. COOLEY: -- so it's really what the carriers
3 are asking for. So you could have two of these next to
4 each other and then the antenna, or you could just have one
5 bigger one of these. So it's really up to what the
6 supplier develops at the demand of the wireless carrier.
7 So, for example, T-Mobile has asked that everything be
8 inside and compact. I know that. But then you have other
9 entities that have both the antenna and the box as one, so
10 that's what's being developed now. In addition to the
11 standards and how these will work, that's what we're
12 talking about. So it's going to depend on the supplier on
13 who's making this.

14 FEMALE SPEAKER: It's important to note, too,
15 that as the technology continues to improve and we become
16 more technologically advanced, the size and matter of these
17 is getting smaller, not larger.

18 DEMOCRATIC CHAIRMAN CALTAGIRONE: Okay.

19 FEMALE SPEAKER: So we're hoping that as we
20 continue to roll these out and get more innovative that
21 you're going to see less and less, but the network will be
22 able to do more and more.

23 FEMALE SPEAKER: But I also want to point out
24 that, structurally, there's a lot of work that goes forward
25 with the engineers to make sure that these will fit and

1 work on a pole. If the pole needs to be replaced, that work
2 does get done and the carriers do pay for that.

3 DEMOCRATIC CHAIRMAN CALTAGIRONE: And one final
4 comment. Congress is looking at this very issue. They may
5 very well preempt everything that we've done here if that
6 legislation were to pass in Washington, so, you know, I
7 just want to lay that on the table. My E.D. gave me some
8 information that the Congress may preempt this and do some
9 legislation.

10 End of questioning. Thank you, Mr. Chairman.

11 FEMALE SPEAKER: Something has been introduced
12 recently, and when I did look at that, I looked at it
13 recently to see how it compared to the draft legislation.
14 They're actually very consistent, and I don't see anything
15 in that Federal legislation that would preempt what is
16 being done here because they are quite consistent.

17 DEMOCRATIC CHAIRMAN CALTAGIRONE: But that would
18 be nationwide, of course, and we would have to [inaudible].

19 FEMALE SPEAKER: Correct.

20 FEMALE SPEAKER: The FCC has been looking at this
21 for quite a while now and trying to determine what is the
22 best way to move forward with predictable, consistent rules
23 and regulations that could be applicable across State
24 lines. To date, that ruling has not come out. There have
25 been recommendations. There's been task force meetings

1 with municipalities and carriers alike, but to date, that
2 has not come to fruition.

3 DEMOCRATIC CHAIRMAN CALTAGIRONE: Thank you.

4 MAJORITY CHAIRMAN GODSHALL: Thank you. Thank
5 you very much.

6 MS. COOLEY: Can I just make one --

7 MAJORITY CHAIRMAN GODSHALL: Yes.

8 FEMALE SPEAKER: -- really quick clarifying
9 statement? And I think it's important because it's written
10 in both Mr. Troxell's, the boroughs' association testimony,
11 as well in Mr. Cohen's testimony, that the wireless
12 carriers have not tried to work with the municipalities.
13 And I think it's important for the Committee to understand
14 or to know that we've approached the municipalities two
15 years ago. In the fall of 2016, we had a draft template
16 document that we sat down with and said if we were to draft
17 a piece of legislation and it would contain these types of
18 provisions, what would your feedback be?

19 One of those entities got back to us, and it was
20 the township supervisors, and they have been forthcoming
21 with working with us or talking to us. Even though we
22 don't like what they have to say, we appreciate and we've
23 built upon what their concerns are and tried to adapt to
24 it.

25 Mr. Troxell at that time didn't respond back to

1 us. Instead, he gave our template to Mr. Cohen, who then
2 two weeks later put out his first action alert to his wide
3 network of municipalities. Because he's a Campbell
4 franchise attorney, he has long-term relationships with
5 these municipalities, and that's when he got into, well,
6 this is really going to be upsetting you; maybe you need to
7 hire me as your attorney to rewrite your ordinances to make
8 sure that the wireless industry cannot come in and do what
9 it is that they're proposing.

10 And, mind you, there was no legislation
11 introduced at the time, but we were touted as the big, bad
12 industry, and we were touted as not cooperating with them.
13 And what we did was let them have the first bite at the
14 apple and provide feedback. One of them did. The other
15 did not and instead turned around and started to launch a
16 really nasty campaign against the industry. And you're
17 seeing it in the media. It played out when 1620 was
18 introduced. You saw resolutions get passed that were
19 really making misleading statements, mischaracterizing the
20 intent of the legislation.

21 And the real reason why that bill was put in was
22 because we only had feedback from one association. And
23 instead of negotiating against ourselves as an industry, we
24 put pen to paper and put this legislation out to collect
25 input from all of the parties that were engaged to say what

1 works, what doesn't.

2 And as a result of that, in Representative
3 Farry's leadership and the leadership of the Chairs of this
4 Committee, we got to this compromise 2564, which is a
5 streamlined version of what we anticipated that we were
6 trying to get introduced and across the goal line. It's
7 specifically in the right-of-way. We don't deal with the
8 outside of the right-of-way. That is, again, governed
9 under existing State statute that was enacted in 2012, Act
10 191 of 2012, dealing with collocations on wireless support
11 structures, i.e., macro towers, electric distribution
12 systems, transmission systems, water towers, et cetera.
13 That's where your division comes in. That's your towers
14 versus the actual poles that we're dealing with in this.

15 I would like to say that we have worked, we have
16 communicated with the township supervisors. They have
17 communicated with us at times. We have not heard anything
18 from the boroughs except in your face, absolutely not. And
19 I would be remiss -- and I hope that I'm wrong, but I
20 anticipate that a model draft resolution has already been
21 drafted and is sitting in the back pocket of a couple of
22 those entities that's ready to launch tomorrow opposing
23 this bill based on the reasons that they have outlined
24 inside of their testimony today. I hope that I'm wrong,
25 but I've seen this play before, and I think we're going to

1 see it again.

2 MAJORITY CHAIRMAN GODSHALL: Well, thank you.
3 I'm hoping we go forward rather than backward, and that's
4 what we're here for. We want to move forward on this
5 because I know -- I had a telephone call yesterday from
6 Philadelphia, and they have thousands and thousands of
7 visitors coming in there on a regular basis, and they want
8 to serve those people and those people want to be served,
9 you know, in a quick manner.

10 And as they said, they weren't -- they asked
11 about coming up and testifying. I said we were pretty well
12 filled up, but they're going to get something in. But
13 they're quite interested in making sure that the interests
14 of their visitors into Philadelphia are well-served, you
15 know, and served, you know, on a timely basis. So, you
16 know, we want to move forward with this, and I appreciate
17 your being here today and say thank you.

18 Next group is Arturo Chang, State Government
19 Affairs Counsel, WIA; and Paul Gilbert, Manager of
20 Government Relations, Crown Castle. And you're going to
21 have to say what WIA stands for because I don't know. I do
22 know. I apologize. Wireless Infrastructure Association.

23 MR. CHANG: Thank you. Good morning. Chairman
24 Godshall, Chairman Caltagirone, and Members of the
25 Committee, thank you for holding this very important

1 hearing on House Bill 2564. My name is Arturo Chang, and
2 as you noted, I am with the Wireless Infrastructure
3 Association on their State Government Affairs Counsel team
4 that works on their State efforts.

5 WIA is a principal trade association representing
6 the companies that build, design, own, and manage wireless
7 facilities in the United States. Our members include the
8 wireless carriers, infrastructure providers, and
9 professional consulting firms that collectively operate
10 more than 135,000 telecommunications facilities around the
11 U.S. WIA works to support the responsible and sustainable
12 deployment of wireless infrastructure needed to deliver the
13 wireless services to communities across the United States.

14 First off, I'd like to commend Representative
15 Farry and other Members of the General Assembly for
16 introducing a bill that would provide a pathway for
17 deployment in the Commonwealth. As you have already heard
18 this morning, there is definitely an appetite and
19 increasing demand for wireless services. I'm certainly not
20 going to repeat all the statistics that were already
21 mentioned, but I would just note that data traffic is
22 expected to increase sevenfold between 2016 and 2021.
23 These metrics don't come as a surprise. Wireless services
24 already play a substantial role in our everyday lives,
25 giving us access to efficient navigation services and

1 allowing us to stay connected with friends and family.

2 5G, however, will also enable a variety of
3 services already mentioned, such as increased access to
4 telehealth medicine, public safety response, autonomous
5 vehicles, expanded educational opportunities, and smart
6 farming. These 5G services are fueled by small cell
7 technology and can only be as good as the infrastructure on
8 which it is deployed. This will involve, as already noted,
9 hundreds of thousands of small cells throughout the country
10 to provide such capacity.

11 Fully realizing the economic growth of 5G is
12 important because building the networks of tomorrow
13 requires sound policy from all levels of government today.
14 And, as already mentioned, 21 States, including your
15 neighbors Ohio and Delaware, have enacted legislation
16 similar to H.B. 2564, recognizing that small cells provide
17 a unique opportunity to densify networks, provide
18 additional coverage, and improve wireless transmissions.

19 WIA supports the Pennsylvania bill with
20 amendment. Although we agree with the framework of the
21 bill, we have concerns about a much-discussed section
22 regarding height limit waivers, which is subsection (e)(2)
23 on page 8.

24 As you may be aware, and this has already been
25 discussed, one of the premises of the bill is to allow for

1 the installation of a utility pole, not a tower, up to 50
2 feet for small cell needs. In our view, any structure
3 taller than 50 feet should undergo the regular application
4 zoning regulation. Our members work very hard with
5 communities across the U.S., and we strongly believe that
6 it is important that cities and localities retain the
7 oversight for those taller structures.

8 I think it's also important to clarify a comment
9 made earlier is the measure -- the utility pole can be five
10 feet above an existing utility pole, not a tower, so that's
11 an important distinction because infrastructurally
12 speaking, definitions do matter, and it's important that we
13 separate the two types of structures.

14 Also, this policy is consistent with the small
15 cell bills that have been adopted across the Nation. In
16 other words, anything above 50 feet should undergo the
17 applicable zoning regulation process. For those reasons,
18 WIA submits for your consideration an amendment that will
19 address this small but important section. This amendment
20 strikes a good balance between the need for deployment and
21 localities' control, and it also provides the industry with
22 a transparent and clear framework to follow in support of
23 improved, as well as expanded service. As already noted,
24 small cell deployment brings many benefits to the
25 Commonwealth, including expanded job opportunities, and WIA

1 looks to be part of that discussion.

2 We are also a member of the Pennsylvania
3 Partnership for 5G, a business and technology advocacy
4 group that represents over 20 businesses in the
5 Commonwealth, including trade associations and local
6 governments from across Pennsylvania. I look forward to
7 continuing to work with you and the rest of the Committee
8 to make additional progress on this piece of legislation.

9 Thank you again, Chairman Godshall, Chairman
10 Caltagirone, and Committee Members for allowing me to
11 testify, and I'll be happy to answer any questions.

12 MR. GILBERT: Thank you, Chairman Godshall.
13 Thank you, Chairman Caltagirone. My name is Paul Gilbert.
14 I'm here today on behalf of Crown Castle, a company based
15 right here in Pennsylvania, to support House Bill 2564.

16 Crown Castle has more than 15 years of experience
17 deploying small cell networks across the country. We're
18 the Nation's largest provider of shared wireless
19 infrastructure. We have over 60,000 small cells either on
20 air or under development throughout the country today.
21 Right here in Pennsylvania we have 2,800 small cells on air
22 or under development, and those are supported by 10,000
23 route miles of fiber.

24 I'm one of more than 1,200 Pennsylvania resident
25 employees of Crown Castle, and Crown Castle's

1 telecommunication networks support the connectivity of 130
2 public school districts in the Commonwealth.

3 As you know and we've discussed today, the use of
4 wireless broadband is growing rapidly, and that's true in
5 Pennsylvania and throughout the country. Today, we all
6 text and stream video and post and use our phones to
7 navigate, but we rarely think about the infrastructure
8 that's required to make that happen and to provide that
9 level of service.

10 A recent study indicated that 50 percent of
11 children in Pennsylvania now are growing up in a wireless-
12 only household. The growing demand for wireless service
13 can quickly overwhelm and overload existing networks, and
14 the best way to address that challenge is to build
15 additional infrastructure and redistribute it to multiple
16 locations via small cell.

17 Unfortunately, Crown Castle has encountered
18 significant difficulties in deploying our networks over the
19 past several years in Pennsylvania. Some jurisdictions
20 have flat out denied our initial applications for our
21 facilities. Others impose outrageous fees or outrageous
22 permitting conditions. Some of these efforts have taken
23 longer than two years to deploy our networks.

24 We enable our wireless carrier customers to
25 improve service to their users by providing additional

1 network capacity where it's needed. The capacity that's
2 created by our small cells not only supports large-scale
3 events like the folks visit to Philadelphia or the
4 Democratic National Convention or the Penguins crowd at PPG
5 Paints arena where we have an indoor small cell system, or
6 the Eagles Super Bowl victory parade, but they're growing
7 in importance for everyday use, and they're critical for
8 everyday usage, especially as usage continues to skyrocket.

9 As we discussed, small cells are small, discrete
10 installations that are typically installed in the right-of-
11 way. The equipment is the same size and scale as other
12 utility infrastructure that you'd see commonly in the
13 right-of-way like an electric transformer or a traffic
14 control signal. And we can pinpoint the networks to areas
15 where there's congestion and a network need.

16 So I brought with me a chart that demonstrates
17 the last 20 years or so of the evolution of the mobile
18 network, and I'd say most of us and most of our devices
19 here in the room are using a 4G connection. And the smart
20 devices that will connect to 5G are going to experience
21 more than 40 times greater speed than the 4G devices and
22 four times greater capacity.

23 Small cells are going to be the critical backbone
24 for 5G. An example to help illustrate the difference
25 between 4G and 5G, right now, you can download on your 4G-

1 connected device a two-hour movie in roughly 90 minutes.
2 It'll kind of be buffering in the background as you're
3 watching it. On a 5G-connected device, you can download
4 that same two-hour video in four seconds. That increase in
5 connection speed and conductivity is going to open many
6 opportunities for every sector, health care, public safety,
7 transportation, you name it.

8 But Pennsylvania does not currently have this
9 critical small cell backbone in place to give consumers
10 access to the 5G technology. Crown Castle has worked with
11 over 71 municipalities throughout the State to deploy these
12 critical small cell networks, and this includes large
13 cities to small boroughs, and we're currently working with
14 hundreds more to deploy these networks.

15 We've encountered myriad approaches to deploying
16 this technology and to regulating the right-of-way. For
17 example, the city of Butler required us to share our plans
18 with them and notify them before we would install our
19 facilities in the right-of-way. The city of Erie, for
20 example, requires us to obtain an administrative permit
21 similar to what all the other utilities that are deploying
22 infrastructure in the public right-of-way must obtain.
23 That process takes two weeks usually. Communities like
24 Altoona have required us to go through a zoning process,
25 and often that process involves a public hearing, a process

1 that rarely applies to other public utilities who are
2 deploying infrastructure in the public right-of-way.

3 The city of Pittsburgh, for example, required us
4 to enter into a contract to use the right-of-way, a right-
5 of-way use agreement, before we obtained administrative
6 permits. And at the lengthiest, towns like Doylestown have
7 required us to enter into a contract, to obtain a zoning
8 permit, to attend public hearings, all in a cumulative
9 process that has taken longer than two years.

10 This legislation sets a clear structure, clear
11 framework, and a clear timeline for processing small cell
12 applications. Often, our networks cross municipal borders,
13 so one network deployment could be required to go through
14 all those different many and varied procedures that I just
15 mentioned. Now, imagine trying to predict the process in
16 2,506 different local governments in the Commonwealth. For
17 applicants, a certainty in timeline and costs will lead to
18 accelerated deployment. For municipalities, there is still
19 a clear right and clear and easy-to-follow guidelines for
20 regulating the right-of-way.

21 The fees municipalities charge for small cell
22 applications have also been inconsistent across the
23 Commonwealth. Some communities have charged more than
24 \$3,000 a year to collocate small cells within the right-of-
25 way. We understand that the fees in this bill are

1 negotiable, and it's important that these fees be uniform
2 across the State. And ensuring that they're reasonable
3 will promote continued investment in these wireless
4 networks.

5 As my colleagues have mentioned, many States have
6 passed similar legislation recently, including our
7 neighboring States of Ohio and Delaware. We feel that,
8 overall, House Bill 2564 removes ambiguity for the industry
9 and for municipalities to appropriately balance the need
10 for technology with the concerns of the community.

11 This bill would also impact an array of
12 Pennsylvanians. Arturo mentioned the Pennsylvania
13 Partnership for 5G. This is a group -- a diverse set of
14 industries and communities have come together to form this
15 partnership with the hope of creating a technologically
16 advanced, progressive Pennsylvania. We are a member, Crown
17 Castle, the greater Pittsburgh Chamber of Commerce is a
18 member, the Wireless Infrastructure Association, Allegheny
19 County, Philadelphia Fraternal Order of Police Lodge #5,
20 Technology Council of Central Pennsylvania, Pennsylvania
21 Fire and Emergency Services Institute, and many others
22 across the Commonwealth. These organizations all agree
23 that stronger conductivity is a win for public safety and
24 for economic competitiveness, and they're all committed to
25 moving the Keystone State forward.

1 I think it's important that Pennsylvania get this
2 right. A recent study commissioned by CTIA, the wireless
3 industry trade association, indicated that speeding
4 deployment of 5G by one year would result in a \$100 billion
5 positive impact on the national economy. Let's make sure
6 that Pennsylvanians benefit accordingly.

7 With your leadership and support of House Bill
8 2564, the Commonwealth will be positioned to take advantage
9 of all that 5G is offering. Thank you for your time.

10 MAJORITY CHAIRMAN GODSHALL: I just want to say,
11 you know, with 2,562 municipalities, just what you
12 illustrated here, you know, each one doing their own thing
13 is just impossible to get anything done in the State of
14 Pennsylvania. Isn't that correct?

15 MR. CHANG: That's correct. And in fact I know
16 that in those States that have passed and enacted a small
17 cell bill, there's been already tremendous confusion of
18 small cell and capital invested.

19 MAJORITY CHAIRMAN GODSHALL: In the illustration
20 you have given pertaining to fees and the various
21 municipalities and what you have to go through in each and
22 every of 2,500-plus municipalities is just impossible, so
23 it's got to be at the State level that we do something.

24 MR. GILBERT: Mr. Chairman, I think we share your
25 opinion. It's the predictability and uniformity with

1 jurisdictional interactions and processes would benefit the
2 industry greatly and the communities. The technology would
3 be able to be deployed in a predictable fashion, and we'd
4 be able to benefit all the different boroughs and cities
5 and townships in the State.

6 MAJORITY CHAIRMAN GODSHALL: Representative
7 Neilson?

8 REPRESENTATIVE NEILSON: Thank you, Chairman.
9 You hit it right on the mark where I was going to go with
10 myself, but it's 5G today. When is it 6G?

11 MR. GILBERT: Representative Neilson, I wish I
12 could answer that for you, but I can't. I don't have that
13 foresight.

14 REPRESENTATIVE NEILSON: [inaudible].

15 MR. GILBERT: I'd say I can speak to the 4G to
16 5G, and the small cell infrastructure, the fiber that Crown
17 Castle installs, the utility poles that support small cell
18 equipment, that is a critical piece of the infrastructure
19 that's needed to be ready for 5G when that type of
20 equipment starts coming onto the market.

21 REPRESENTATIVE NEILSON: Thank you [inaudible].

22 MAJORITY CHAIRMAN GODSHALL: Okay. And in any of
23 the municipalities where you put this equipment in, have
24 you had any repercussions as far as complaints about, you
25 know, the boxes and so forth you put up on the poles? Has

1 it been accepted or is there outspread complaint, you know,
2 against what we're doing here with the new boxes on the
3 poles?

4 MR. GILBERT: Mr. Chairman, I'd say Crown Castle
5 strives to be a good partner with the communities that we
6 serve, and certainly concerns arise during our deployments,
7 but we always find a way to work with concerned elected
8 officials or concerned residents to address those prior to
9 deploying our infrastructure.

10 MAJORITY CHAIRMAN GODSHALL: Yes, I see from your
11 chart from 1G to 2G, you were getting smaller rather than
12 larger, you know, as we go along, which seems to be, you
13 know, what we're trying to do here today so --

14 MR. GILBERT: Yes, Mr. Chairman, I think that
15 echoes --

16 MAJORITY CHAIRMAN GODSHALL: Any other questions?
17 No other questions? Well, thank you very much. I
18 appreciate your testimony here today.

19 MR. CHANG: Thank you.

20 MR. GILBERT: Thank you.

21 MAJORITY CHAIRMAN GODSHALL: The next testifier
22 is Tim Baldwin from Lancaster County 911 and John Haynes
23 from Chester County 911 [inaudible].

24 MR. HAYNES: You're always welcome, sir.

25 MAJORITY CHAIRMAN GODSHALL: And from Chester

1 MR. BALDWIN: You've reached the end of the line.
2 Good morning, Chairmen Godshall and Caltagirone and
3 Committee Members. We appreciate appearing before you
4 today. My name is Tim Baldwin. I am the Treasurer of the
5 Pennsylvania Chapter of the National Emergency Number
6 Association, which is a State 911 association here in PA.
7 I'm here with my colleague John Haynes, Deputy Director for
8 Chester County Department of Emergency Services. And
9 again, PA-NENA appreciates the opportunity to provide input
10 on House Bill 2564.

11 As you can imagine, county 911, public safety
12 answering points, PSAPs, or 911 centers, whichever term you
13 so choose, depends on technology to perform our duties. As
14 the first first responders, PSAPs rely heavily on our
15 ability to communicate with callers. Considering our ever-
16 mobile society, improvements to wireless voice
17 infrastructure are especially meaningful to us.

18 House Bill 2564 will provide incentives for small
19 cell technology by reducing potential impediments
20 throughout the Commonwealth. From our perspective, this
21 should provide improved wireless phone and data coverage
22 and greater capacity. More reliable and improved indoor
23 and outdoor coverage, especially in very rural and very
24 urban areas, will allow 911 centers to better serve those
25 who may be experiencing the worst day of their lives.

1 Nearly half of the residents in Pennsylvania have
2 discontinued landline service and now only use wireless
3 devices. About 70 percent of 911 calls are from wireless
4 devices here in Pennsylvania.

5 Although not specifically noted in the bill, we'd
6 like to mention a number of wireless 911 features that
7 PSAPs deem extremely important. They include the ability
8 to view a caller's handset telephone number; locating a
9 caller within close proximity to their actual location;
10 presentation of the caller's geographical coordinates, the
11 latitude and longitude; our ability to rebid or
12 electronically query the caller's location -- this is
13 especially important if the caller is moving or if they are
14 lost; texts to 911; and in-motion calls not dropping. That
15 means effective roaming connectivity between cellular
16 sites.

17 For frontline 911 dispatch, the most important
18 product of wireless technology, whether voice or text, is
19 911 call location accuracy. While caller location
20 information continues to improve, the very nature of
21 wireless calls makes it difficult for 911 telecommunicators
22 or dispatchers, call takers, to acquire and maintain the
23 exact location of a caller. Accurate 911 caller location
24 means faster response times.

25 Based on our experience with macro cells, which

1 are the large cellular sites with shelters and towers, we
2 feel small cell sites must continue to permit simultaneous
3 911 calls given the inherent mobility of wireless customers
4 who want to report incidents to 911. This is especially
5 true when confronted with events that are visible to many
6 onlookers such as vehicle crashes and structure fires.
7 Events such as these generate many 911 calls.

8 Number two, to ensure call integrity while
9 mobile, as mobile callers transition from cellular site to
10 cellular site, the small cell must receive and maintain a
11 handoff of a roaming 911 call.

12 Number three, remain available in the event of
13 commercial power loss with small cells being equipped with
14 battery backup and generator power.

15 We appreciate your interest in hearing our
16 support for improved wireless technology. We encourage you
17 to visit your local county PSAP. We're sure you would
18 enjoy seeing the staff and technology at work. We look
19 forward to working with the Committee and wireless
20 providers to improve wireless infrastructure that increases
21 the quality of 911 service in Pennsylvania.

22 That concludes my quick testimony, so we will
23 answer any questions you might have.

24 MAJORITY CHAIRMAN GODSHALL: I just want to
25 mention one thing. I think beyond what you said there,

1 with the unfortunate drug problem we have today and with
2 the amount of thousands of deaths, you know, and so forth,
3 location, you know, and time, minutes, you know, are
4 extremely important. And as you know, as well as I do,
5 that those drug deaths are in the thousands that we have
6 today in this country and, as I said, time and location is
7 extremely important.

8 MR. BALDWIN: We agree.

9 MAJORITY CHAIRMAN GODSHALL: So, Representative
10 Quigley?

11 REPRESENTATIVE QUIGLEY: Thank you, Mr. Chairman.
12 Thanks for your testimony.

13 Can you give us an idea of or do you track how
14 many of these 911 calls made by mobile phones, like a drop
15 rate or, you know, an instance where someone is on the
16 phone, goes into a dead zone, and you lose that call? Do
17 you guys have any statistics on that?

18 MR. BALDWIN: That's a great question,
19 Representative. And if this were six years ago, I would be
20 able to give you a percentage number. At this point in
21 Chester County, which is rather suburban, we do not have a
22 problem with that as much anymore. My peers, however, when
23 you get into more the rural areas, I do know there's a
24 place on 322 up near State College where whoever you're
25 talking to you're going to lose them on the way. So it is

1 a problem throughout the Commonwealth. It is not the
2 problem that it was several years ago.

3 MAJORITY CHAIRMAN GODSHALL: Okay. Our prime
4 sponsor, Representative Farry, would like to make a closing
5 statement at this point.

6 REPRESENTATIVE FARRY: Thank you, Chairman, and
7 thank you, Members, for taking the time to be here today.
8 I also want to thank all of the participants that testified
9 today or who have submitted testimony.

10 You know, one of the things we've heard -- and
11 obviously, we just heard from the public safety folks and
12 that is obviously paramount in terms of importance -- but
13 the benefits that have, in terms of health care, education,
14 jobs, the economy, tourism, Mr. Sanko talked about the
15 public's desire, which I can testify to as a being out door
16 knocking, now I'm ringing doorbells and people are
17 answering from other locations from their phone and I'm
18 encouraging them to vote for me. But that's a perfect
19 example of literally how technology has changed in my 10
20 years of seeking reelection.

21 But let's remember what we're here for,
22 especially as elected officials. You know, we talk about
23 health care, education, public safety, and all those issues
24 on a statewide level, and all of those were touched on by
25 the various folks testifying. You know, the bill has I

1 think roughly 35 cosponsors, both Republicans and
2 Democrats, and from across Pennsylvania. I thought that
3 the graphic that was provided by CTIA that shows the 20
4 States and more specifically the actual vote count of those
5 20 States -- as I'm trying to eyeball it here without
6 glasses, it really only looks like one of those 20 States
7 and only in one chamber was it even really close. A lot of
8 them were unanimous or with very few dissenting votes. And
9 if those States can successfully do this, I don't see why
10 Pennsylvania can't join their ranks.

11 You know, in terms of debunking some of the
12 information that was out there and some of the concerns the
13 municipalities have, I hope they're walking away, the local
14 government groups are walking away with a very clear
15 message that there's going to be some amendments to the
16 bill. As the prime sponsor -- and I think you also heard
17 from the Chairman and the other Members -- we're willing to
18 work with you. Some of the issues raised were fees, the
19 waiver component and new poles, timing for review,
20 exceeding the height limitations and the process there,
21 some definitional issues. We also obviously heard some of
22 the concerns raised by labor as well.

23 So my hope would be that in the coming week or
24 two some folks get some specific language back to me on
25 what your concerns are or some language you would like to

1 see changed in the bill so we can start working on the
2 amendment or amendments to get those concerns addressed and
3 we can work with the other stakeholders.

4 And I just really want to close with I hope
5 moving forward that we don't see action alerts and the
6 organization of the resolutions. You know, I have what was
7 sent out last year by the Borough Association, you know,
8 which is asking their members to adopt the sample
9 resolution in opposition to House Bill 1620. I have some
10 stuff that the Cohen Law Group has sent out, you know, on
11 the previous bill as well. And I understand what the
12 concerns were with 1620, but I can't state any further how
13 much we want to work and try and get these things resolved.

14 I am personally, as the prime sponsor, not going
15 to sit by and let disinformation be put out. I think we've
16 debunked the 120-foot issue. We debunked using the word
17 tower and some of the other aspects. So I certainly hope
18 all of the stakeholders will pull a seat up to the table
19 and let's get this thing finalized.

20 Mr. Chairman, thank you.

21 MAJORITY CHAIRMAN GODSHALL: Thank you. I just
22 want to say that I have, you know, done my best to say that
23 we want to move forward, you know, on this issue. And I do
24 have letters of support that were also from ExteNet
25 Systems, from GlobeHealer, from Pennsylvania e-Commerce

1 Association, from the Pennsylvania Wireless Association,
2 Pennsylvania State Grange, Pennsylvania Partnership for 5G,
3 Delaware County Chamber of Commerce, Main Line Chamber of
4 Commerce, and as I said earlier, from the -- the city of
5 Philadelphia also called me yesterday in opposition, the
6 Pennsylvania County Commissioners Association and Lori
7 Flynn at the same time in opposition.

8 No, go ahead, sir.

9 DEMOCRATIC CHAIRMAN CALTAGIRONE: No, I would
10 just hope that exactly what Representative Farry had said.
11 You know, the business of trying to negotiate and
12 compromise, if we could in good faith sit down and try to
13 work out some of the issues, I think the legislation could
14 possibly move forward before the end of session. We only
15 have about eight or nine days left, so we've got to sit
16 down at the table, you all, and see if there's some way
17 that you can negotiate some of the language. And I think
18 we can go on from there.

19 Thank you, Mr. Chairman. Thank you,
20 Representative Farry.

21 MAJORITY CHAIRMAN GODSHALL: Thank you. I'd like
22 to thank all the presenters for the testimony today, and
23 the meeting is now adjourned. Thank you very much.

24
25 (The hearing concluded at 12:11 p.m.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

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