

H.B. No. 478
Andrew Emerson (Counsel for AT&T) Testimony in Support

Good afternoon. My name is Andy Emerson, and I am a partner with the law firm of PORTER WRIGHT MORRIS & ARTHUR LLP here in Columbus. I represent AT&T on wireless deployment matters nationwide and have worked on small cell legislation in multiple states, including the passage of SB 331 at the end of 2016 in Ohio. Over the past three months, I've had the pleasure of negotiating with a coalition of over 90 Ohio municipalities, many of which were plaintiffs in lawsuits challenging the existing small cell law.

Under the leadership of Dana McDaniel (City Manager, City of Dublin), multiple mayors and managers associations, elected officials, city engineers, municipal lawyers and their outside counsel, this coalition and representatives of the wireless industry were able to negotiate a solution to the dispute over the existing small cell law. The product of that hard work is H.B. 478. The bill before you balances the industry's need to deploy small cells in a timely manner with municipalities' legitimate interest in protecting the aesthetic character of the public way.

Some of the highlights of the bill include:

- Uniform fees - \$250 application fee per request; \$200 annual charge to attach to municipal owned or controlled poles (both may be increased 10% every 5 years)
- Uniform process for obtaining permits with deemed granted timelines – 90 days for collocations/replacements and 120 days for new poles
- Auto-tolling of deemed granted clocks calibrated to population size
- Tools for municipalities to protect aesthetic character of the right-of-way:
 - reservation of space on poles for future public safety or transportation uses
 - spacing requirements to avoid pole clusters
 - local design guidelines
 - ability to suggest alternative locations for new poles
 - require construction completed within 180 days
 - height restrictions
 - 40' for new poles, which can be reduced to 35' in certain areas
 - 5' above existing structure height for collocations

- operator must comply with rules requiring structures or facilities to be placed underground or elsewhere in public way
- protection of historic districts and decorative poles
- bonding to ensure removal of abandoned or unused wireless facilities
- Competitively neutral – same rules apply to cable operators and wireless service providers that operate small cell facilities and provide wireless service

AT&T and the wireless industry support this bill. I would be happy to answer any questions you may have about how the bill operates and differs from existing law.