

Testimony Before  
The Ohio House of Representatives  
Public Utilities Committee

In Support of H. B. 133

June 20, 2017

Presented by Jon F. Kelly, Counsel – AT&T

1. Introduction

Mr. Chairman and Members of the Committee. I am Jon F. Kelly, now outside counsel for AT&T here in Ohio. Just as a matter of background, I have been an attorney in the telecom arena for 33 years, having previously served as Legislative Assistant to former Governor James A. Rhodes and then as the last Chairman of the PUCO in his Administration. I am here today to speak in support of H. B. 133.

2. Background on the Bill

This is model legislation which emanated from the National Council of State Legislatures (“NCSL”) after extensive discussion and review. In one form or another, it has already been adopted in about 26 states. It really fits the mold of “Common Sense Business Regulation” in Ohio.

We almost take for granted the availability of electric power and telecommunications services, at all times, and in all circumstances. But, as you know, when disaster strikes, those important services can be adversely impacted. Trees blow into power lines, interrupting electric power to a neighborhood. Larger outages are not uncommon. In the telecom sector, the same thing can happen. Telephone poles and lines, and even cellular towers and other facilities, can be damaged and taken out-of-service in weather and other disasters.

### 3. AT&T's Experience

AT&T, like the other utilities, has a good track record in disaster planning and restoration. Like the Boy Scouts, we follow the motto "Be Prepared." Here's an example of that emergency preparedness.



Photo courtesy of the Will-Burt Company

A "COW", in our world, is a "cell on wheels," a rig that looks like a semi but is a transportable cell site that can be deployed to a disaster area to replace or supplement a storm-stressed wireless network. There's a smaller version called a "COLT," for "cell on light truck." They work well. But, by their very mobile nature, they cross state and other jurisdictional lines, and can thus be subject (along with their handlers and technicians) to a long list of state and local laws and regulations in the process.

Deploying a COW, or other facilities, and even sending people from out-of-state on restoration work crews has many associated challenges. It is a window into the complexity of business regulation today to consider the things that this bill addresses: state and local business and

personal taxation, business licensing and regulation, workers' compensation, unemployment compensation, and occupational licensing. I don't need to explain all this to the small business owners among you.

We should not create - - or perpetuate - - unreasonable barriers or hurdles in disaster recovery efforts. A person sent in for a few days' work to restore power or telephone service (either landline or wireless) should not be treated as a regular Ohio employee. And that person's employer should get a "pass" insofar as Ohio business taxation and regulation is concerned. AT&T's experience in this area shows that relief is needed, in terms of state and local tax hurdles, business registration and regulation rules, and other matters.

#### 4. Conclusion

We ask for your support for this bill. I would be pleased to answer any questions you might have.