

Crown Castle Testimony – House Bill 478**Ohio House Government Accountability and Oversight Committee****January 30, 2018**

Chair Blessing, Vice Chair Reinke, Ranking Member Clyde, and members of the House Government Accountability and Oversight Committee, my name is Bob Ritter and I am the Government Relations Counsel for Crown Castle. With me today is Paul Gilbert, Manager of Government Relations for Crown Castle. While we support the overall intent of this legislation, we are concerned that certain provisions will hinder network growth and violate federal law and other existing state law.

Crown introduction

Crown Castle owns and operates the nation's most unique and comprehensive portfolio of shared communications infrastructure. We connect people to the devices, apps, and data they rely on to communicate, stay informed, build businesses, and live their lives to the fullest. We provide connections that improve safety and efficiency and that make communities better places to live. Crown Castle is the premier shared wireless infrastructure company in the country, operating 40,000 communications towers, 50,000 small cells in operation or under development, and 60,000 miles of fiber optic networks.

We are also the largest owner and operator of small cells in Ohio, and our shared networks provide efficient services which limit disruption in the right-of-way and maximize benefits for Ohio citizens. Our networks help our wireless carrier customers improve service for their users. We provide all of our customers a network service. We install, operate and own our networks. If maintenance or emergency service is required on a Crown Castle small cell the responsibility is Crown Castle's regardless of which of our customer(s) is receiving service because Crown Castle owns the network.

In your materials we have provided a map of Crown Castle's multicarrier network in downtown Cleveland to demonstrate the power and promise of shared networks. In Ohio, we operate nearly 1,000 small cells, 2,000 miles of fiber optic networks, and serve 28 public safety entities. Our networks have supported major events such as the Republican National Convention and the Cavaliers' record-setting championship parade in 2016. We also provide broadband connections for schools, universities, hospitals and businesses, and we are an approved provider of Ethernet services for state government.

We have a proven track record of working with communities and have invested over \$150 million to deploy small cell networks in Ohio. We intend to be the last owner of these assets. We are not prospectors. We have 41 resident employees and have offices in Akron, Cincinnati, Cleveland, Columbus, Dayton, Worthington, and Toledo. We strive to be a long-term partner in Ohio municipalities.

Crown Castle is registered in Ohio as a competitive telecommunication services provider, with a Certificate of Public Convenience and Necessity (or CPCN) issued by the Public Utilities Commission of Ohio. Under the Ohio Code, "a municipal corporation shall not unreasonably withhold or deny consent" to a public utility seeking access to the right-of-way. Ohio law requires that all municipalities must provide utility access to rights-of-way on a

competitively neutral and non-discriminatory basis...¹. Further, Section 253 of the federal Telecommunications Act of 1996 provides that municipalities must make their right-of-way available to telecommunications providers on a competitively neutral and non-discriminatory basis.

However, this legislation as proposed violates both federal and state law. Section 4939.06(Q) defines “small cell facility operator” – the entities under the bill who can receive right-of-way permits – as “a wireless service provider, or its designated agent, or cable operator, or their respective designated agents, that operates a small cell facility and provides wireless service.” To the extent this law would be used to deny permits to Crown Castle and similar telecommunications carriers providing small cell network services, it would violate these laws. Rather than settle the issue of small cell access, the legislature will be promoting more inevitable litigation to correct this conflict.

Crown Castle repeatedly attempted over the last several months to enter the conversations between the Ohio Municipal League and “telecom officials” that Executive Director Scarrett referenced in his testimony on January 24th. We were obstructed on each attempt. We held a brief conversation with OML’s counsel on Jan 23rd after the bill’s language had been negotiated and drafted. OML’s counsel assured us that because Crown Castle is a “public utility” we would be treated on a competitively neutral basis and allowed access to the ROW. The language currently in the bill does not support this. However, simply adding “public utility” to the operator definition will resolve this conflict. Making this simple and important change should not frustrate the OML since they already believe that public utilities would be granted access under the law. Crown Castle needs this definition clarification in order to support the bill.

Keeping pace with other states and the FCC

By adopting the legislation in its current form, Ohio will be out of step with nationwide trends to speed wireless broadband deployment. Since 2016, 15 states have adopted laws governing small cells, and not one has included the restrictive language of this bill. The Federal Communications Commission is currently pursuing multiple rulemakings to streamline the small cell siting process. The Commission also has created the Broadband Deployment Advisory Council, with a mission to identify and address barriers to broadband deployment. All of these parties realize that streamlined rules are essential to our broadband future.

Conclusion

Crown Castle very much desires to continue our investment and leadership in small cell deployment in Ohio, and we support this bill but for this single provision. However, the inclusion of that one section means the bill is a step backward – rather than forward – for Ohio’s future. We ask you today to amend House Bill 478 so that we may continue our work to serve the citizens of this State with the services they need and demand. Thank you very much for your time today.

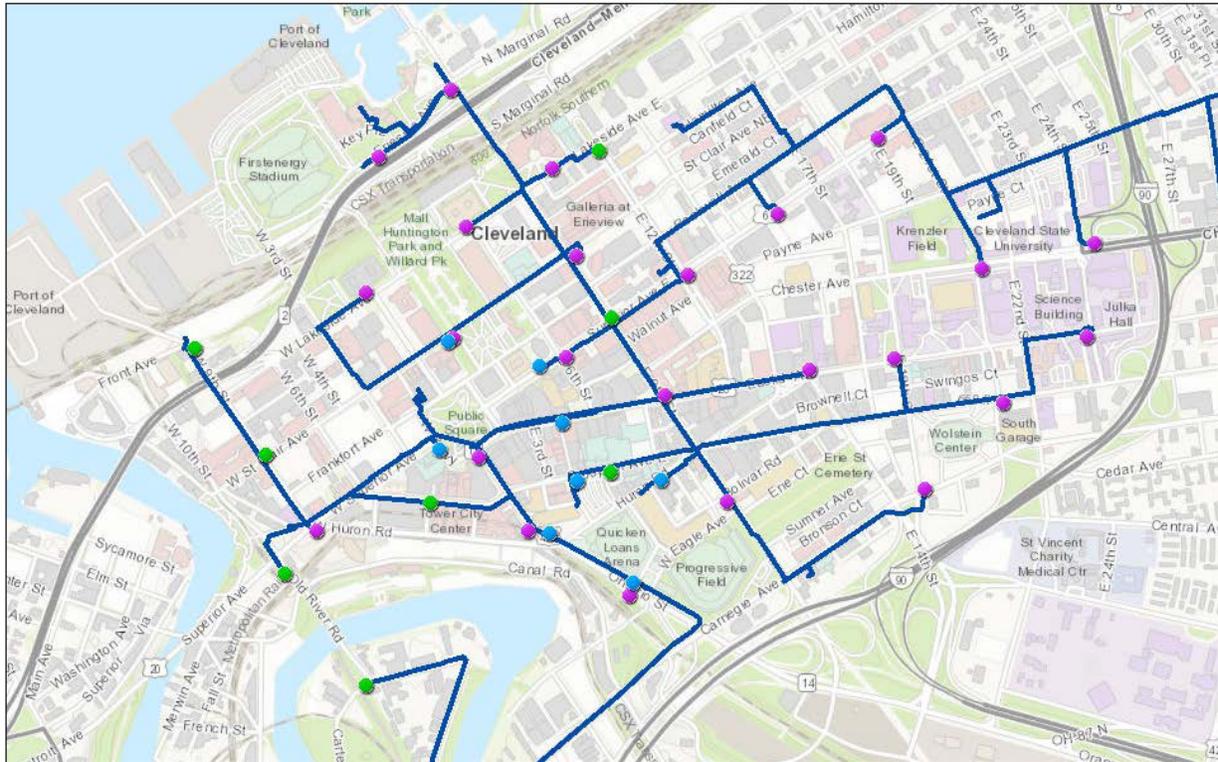
Contacts:

Robert Ritter, Government Relations Counsel, (724) 416-2417; bob.ritter@crowncastle.com

Paul Gilbert, Government Relations Manager, (724) 416-9621; paul.gilbert@crowncastle.com

¹ (Ohio Rev. Code § 4939.03(C)).

Crown Castle Downtown Cleveland Network



Fiber optic network: 

Small Cell (Carrier A): 

Small Cell (Carrier B): 

Small Cell (Carrier C): 

Small Cell Examples

