



Good morning, Chair Beagle, Vice Chair LaRose, Ranking Member Williams, and Members of the Senate Public Utilities Committee.

My name is Dana McDaniel and I serve as the City Manager for the City of Dublin, Ohio.

Thank you for the opportunity to present proponent testimony today.

I am here to express the City of Dublin's support for House Bill 478.

I would like to acknowledge Speaker of the House Cliff Rosenberger and House Bill 478 sponsors – Representative Sarah LaTourette and Representative Ryan Smith – for their leadership on this Bill. I greatly appreciate the foresight and the patience of all our State Legislators to allow the time for the municipalities and the industry to work through the details of this legislation.

For the past four months, I have served as facilitator for a coalition of more than 90 cities, large and small from across Ohio, in meetings with the telecom industry to resolve our differences over Senate Bill 331 addressing small cell infrastructure.

I want to reaffirm that the City of Dublin and our coalition of municipalities will continue to advocate for the preservation of Home Rule governance. We also understand that it is in the best interest of all the municipalities of this State to support the intended policy to promote the rapid deployment and implementation of new technologies and innovative services to improve the quality of life and competitiveness of our residents and our businesses. These residents and businesses, as we all know, also happen to be the industry's customers. As municipalities, we appreciate the extensive investment by the private sector in these technologies and respect the associated costs of their deployment.

As a result of our negotiations, this legislation, as written and amended, provides the means for a rapid and orderly deployment of these technologies. This legislation respects the operational processes, capabilities and capacities of municipalities while providing the predictability desired by the industry. It respects and protects the billions of dollars of investment tax payers have made in our local infrastructure. It respects the character of our municipalities and our neighborhoods that we have all worked so hard to establish and which defines us, while minimizing disruption to the community.

I'm pleased to say that after many hours and many intense discussions, this new legislation has been carefully crafted to provide a best solution for municipalities and the industry, while being careful to not create additional burdens or impacts for other users of the right of way. The municipalities' negotiating team included local elected officials, administrators, legal staffs and city engineers. The industry's negotiating team included legal teams and operational members who have negotiated and written legislation like this and who have experience deploying this technology across the country. The talent and experience brought to the table by both parties made for a powerful and well-informed dialogue and negotiation. While neither the cities nor the industry acquired everything they had requested, we believe this is the best result for both sides.

The amended bill received overwhelming support in the House. Following passage of the bill, we received additional inquiries from utility and cable companies, as I'm sure you have as well. We have attempted to allay their concerns, and have included additional concessions. However, we were not able to come to terms on every request, primarily because HB 478 does not change any laws in the State of Ohio regarding "wireline services."

Additionally, the language in the amended bill has been carefully designed to ensure that companies who seek to place small cells in the public way have current needs for such service deployment and are not simply speculators. We have experienced this speculation before by companies that seek to place their poles in the public way in order to resell space on these poles.

House Bill 478 has been carefully considered, negotiated and balanced to provide small cell service in Ohio, while at the same time, protecting municipal aesthetics. Additional amendments may upset that balance by allowing more poles to be built and located in the public way.

This legislation, as already amended, is the result of the work of many fine people who came together to collaborate on a bill that would be fair to all parties. The voices were heard from all four corners of the state and from the industry. If approved as written, the new law will reflect that.

I thank you again for your time, and I would be happy to answer any questions you may have.