



**HB 478**  
**WRITTEN OPPONENT TESTIMONY**  
**OHIO SENATE PUBLIC UTILITIES COMMITTEE**  
**IMIX SHISH**  
**INSITE WIRELESS GROUP**  
**March 22, 2018**

Good morning, Chair Beagle, Vice Chair McColley, Ranking Member Williams, and members of the Senate Public Utilities Committee, my name is Imix Shish and I am here today on behalf of my employer, InSite Wireless Group, LLC (“InSite”), to testify in opposition to the small cell wireless bill, HB 478.

InSite is a privately-owned tower and wireless infrastructure company that owns and operates communication towers throughout the United States, including more than 25 tower sites located here in Ohio. As an active wireless infrastructure developer and operator, InSite works closely with local and municipal Ohio governmental agencies and bodies, the wireless carriers, residents and property owners, and other members of the wireless telecommunications industry, including our trade association, the Wireless Infrastructure Association (“WIA”), to improve and expand wireless communication coverage. In this respect, InSite is a strong proponent of the need to have an efficient and timely regulatory structure to allow the orderly and rational build out of wireless infrastructure to facilitate the ever-growing everyday demands and uses of wireless communications.

InSite was also actively involved with the development of model state legislation to address the streamlining of small cell wireless deployments in the right of way. As you may know, small cell wireless deployments are critical for expansion of 4G services now and will continue to be critical for the upcoming deployment of 5G wireless services. The model legislation, developed over several years by WIA in collaboration with other members of the wireless telecommunications industry, appropriately balances each parties’ collective interests to ensure that zoning, siting and expansion of critical infrastructure projects in the right of way is consistent with a community’s existing character and zoning plans.

Similar to the model state legislation, HB 478 would also streamline the deployment of small cell wireless facilities in the public right of way. However, while HB 478 incorporates many key concepts of the model legislation, there are two key places where it differs from the model, that would have the unintended impact of expanding the streamlined siting process well beyond its intended scope.

First, the definition of “public way” contains the term “public easement” on line 125 of the bill. The term “public easement” is broad, undefined, and would expand the reach of HB 478 well beyond the traditional public right of way. If this term is included in the final legislation, the streamlined deployment process permitted by HB 478 would allow new small cell wireless facilities to be built in areas that are beyond what is understood to be the traditional public right of way, including areas on private property, for example, bike or walking trails, waterfront access. Allowing the inclusion of such a broad concept would leave the geographic scope of HB 478 open to interpretation and could lead to abuse, bypassing meaningful community and local zoning input or review that would otherwise be appropriate. InSite believes that the terms “public utility easement” would maintain the spirit of the bill and would limit small cell wireless deployments to the traditional public right of way, in compliance with the model legislation.



Second, the definition of “wireless support structure” on lines 193 through 194, is overly broad and will have unintended consequences given the scope of HB 478. As currently written, the HB 478 definition of “wireless support structure” references “[any] pole, such as a monopole, either guyed or self-supporting” – these types of poles are more complex than those types of poles that are otherwise contemplated by HB 478 and that are customarily suitable for the collocation of small cell wireless facilities in the traditional public right of way. Including such a broad definition of “wireless support structures” in HB 478 would unintentionally open the public right of way to a proliferation of complex poles that are not primarily intended to deploy small cell wireless facilities and doing so would remove the balance of interests currently represented in the local zoning process for construction of such complex poles.

InSite believes that the definition of “wireless support structure” should be updated in compliance with the model legislation and consistent with the purpose of HB 478 to apply more specifically to poles that are suitable for deployment of small cell wireless facilities. To do so, we suggest deleting the phrase “pole, such as a monopole, either guyed or self-supporting,” from the definition of “wireless support structure”.

Thank you for the opportunity to address the committee today and for your consideration of these items.