

Chairman Beagle, Vice Chair McColley, Ranking Minority Member Williams, distinguished members of the committee.

My name is Dave George, and I reside in Canal Winchester, OH in Fairfield County, approximately 25 minutes southeast of downtown Columbus – on a light traffic day.

I am here to today to express my opposition to House Bill 478 regarding small cell installations in the public right of way on publicly owned assets.

My concerns with this bill include:

Community Aesthetics will be Negatively Impacted: The current definition of a small wireless facility includes an antenna of up to six cubic feet and all other wireless equipment up to 28 cubic feet in volume (lines 136 through 147). These size standards need to be significantly scaled back to ensure proper aesthetics can be maintained in each community. Despite the bill’s language offering municipalities some aesthetic control, there are limitations to making a refrigerator sized enclosure aesthetically pleasing. Additionally, there is no review period given to review these sizing limitations and municipalities have no ability to control these sizing guidelines that will be protected by this legislation. Small cell antenna placement in the right of way is an industry that is still in its formative years. As with most technologies, it is anticipated that sizing of these facilities will decrease over time.

Abandoned Wireless Facilities Could Become Common as Technology Changes: If a wireless facility is not operational for a period of 365 continuous days, the provider must remove it after receiving a written notice from the local government. However, there is no “shot-clock” timeframe given, in this legislation, for the removal to occur after notification is given. It is unreasonable to expect a local government to know a small cell is no longer active, and the industry should be liable to remove it in a shorter time frame to ensure pole space is being efficiently used for functioning equipment.

Moratorium Authority on Telecom Facilities Build-out Should Be Retained: Local governments’ ability to place a moratorium on permitting would be removed in these telecom bills. This is a policing power that should not be restricted for permitting or for any other activity, especially when dealing with a proliferation of new technologies.

Compensation for Renting Public Assets: Collocation fees for attaching to municipal assets are unreasonably low at \$200 annually per attachment. One fee for the entire state does not take into account the differences of right-of-way management for each local government. Prices should be left to each local government to reach agreement on with the telecom providers.

No Proof that the Wireless Industry Will Bypass Ohio in its Buildout of 5G Service: In fact, the opposite has already been proven. In their opposition testimony 2 weeks ago, Crown Castle stated that they had already deployed 910 sites in Ohio. Anecdotal evidence from similar providers like Crown Castle is that those companies are also investing in the deployment of

small cell locations throughout Ohio. These types of deployments are occurring despite the fact that there is no small cell legislation in current effect in Ohio.

Revenue Streams for Wireless Industry, not Cities: Additionally, this legislation penalizes Ohio municipalities from accessing a new revenue opportunity while giving away a new revenue source to the wireless industry. Ericsson, in its study titled *The Guide to Capturing the 5G Industry Digitalization Business Potential* states that 5G deployment will generate **NEW** revenue sources for the wireless industry of \$204B - \$619B between 2019 and 2026.

Cities Deserve Fair Market Valuations for their Assets: Fair market value of municipally owned vertical assets (utility poles, streetlight poles, traffic signal poles) in the public right of way has been shown to be in a range of \$1,500 to \$2,000 per year per small cell attachment. The methodology for this valuation was laid out via expert testimony, by Ken Schmidt, in the case of *Texas Munis v. State of Texas*. This expert testimony was not refuted in following testimony by either the State of Texas or the wireless service providers, and there was no argument stating that the methodology that led to that valuation was flawed in any way.

Based on the lower range of that fair market valuation, the current legislation penalizes Ohio municipalities \$1,300 per year per small cell attachment. In each of the three major Ohio metropolitan areas, there is an estimated deployment of 3,000 – 4,000 small cell locations over the next 5 years. This legislation will penalize each of those municipalities, and their tax paying residents and businesses, \$3,900,000 to \$5,200,000 per year. That is revenue that could be used to move forward with Smart City initiatives, broadband expansion to underserved communities, or other municipal priorities.

I ask for a no-vote on HB 478.