



Pa State Association of Boroughs

Statement on House Bill 2564 (PN3863)

House Consumer Affairs Committee

August 9, 2018

The Pa State Association of Boroughs has represented the interests of our commonwealth's boroughs for over a century. PSAB provides extensive training and education resources, quality group insurance products and in our case here this morning – legislative advocacy. This brief statement is serving that purpose and seeks to stress that our borough communities seeking to prompt reliable wireless services for their residents, must balance that pursuit with a preservation of the very community landscapes they occupy.

This is why today PSAB is glad to join with our fellow local government associations and the wireless services industry as we work together seeking to expand wireless services throughout the commonwealth. In particular, this morning kicks off the conversation of **House Bill 2564**.

I would begin that PSAB membership had overwhelmingly voted during its 2018 Annual Conference in June of this year to adopt resolution 2018-16 which established its overall position regarding the wireless deployment issue at hand today. Much of the content of that resolution also applies to House Bill 2564 and that will be PSAB's perspective as things move forward. For your reference, **Resolution 2018 – 16** reads as follows:

BE IT RESOLVED, that PSAB oppose any legislation that would strip municipalities of their legal authority to regulate wireless facilities both within and outside the public rights-of-way, limit a municipality's ability to negotiate and collect reasonable fees for collocation on municipal infrastructure, or mandate municipal cooperation.

Over the last several years our boroughs throughout the commonwealth have had first hand knowledge and experience regarding the objectives of the proponents of HB 2564. And our communities understand, accept and respect the efforts that the industry is taking to move forward in delivering its services – PSAB understands and respects this dynamic as well. For the purposes of moving this discussion forward there are realistic guidelines and reasonable expectations which our local governments will maintain throughout any changes to the existing *practice*.

Yes, *practice* – I believe that all of us here today would appreciate that similar to *existing cable franchise agreements* which are an established process in working with our boroughs, many communities have mirrored that process to arrive at the very services included in the bill under discussion today. Just to list a few of those communities would include: Ambler (Montgomery), Chambersburg and Waynesboro (Franklin). It is reasonable to conclude that this acceptable business practice has and will foster the expansion of wireless services to the benefit of providers and their customer base. When working with our boroughs, a cooperative and collaborative spirit will guarantee a win – win as we have witnessed regarding provision of cable services.

As a result of this evolving business practice which our boroughs have experienced concerning those seeking to provide wireless services within borough borders, it becomes necessary to recognize the general themes embodied in **PSAB Resolution 2018 – 16**. Our resolution incorporates 3 fundamental positions:

1. Opposition to any measure stripping regulatory powers either within or outside of ROW;
2. Maintain the capacity to negotiate and collect reasonable fees for use of public assets;
3. Rejection of State mandates regarding cooperation.

Respect for these positions is paramount in any measure developed by the PA General Assembly and enacted into law.

It must be understood to all that such an initiative is not a novel idea or approach. In closing, to put HB2564 into a historical context it was in 2008 when this very committee held hearings on HB1490 which sought to establish a statewide cable franchise law. Yes, HB2564 has details and technical variations making it dissimilar to cable franchising and its related services. However, PSAB's goal here today is to make clear that positions held in 2008 continue to be held by its membership and the Association will stand to preserve them in any legislative proposal beginning today with House Bill 2564.