

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

CONSUMER AFFAIRS COMMITTEE  
PUBLIC HEARING

STATE CAPITOL  
HARRISBURG, PA

RYAN OFFICE BUILDING  
ROOM 205

TUESDAY, MAY 25, 2021  
10:00 A.M.

PRESENTATION ON  
TELECOMMUNICATIONS DEPLOYMENT IN PENNSYLVANIA

BEFORE:

HONORABLE JIM MARSHALL, MAJORITY CHAIRMAN  
HONORABLE SHERYL M. DELOZIER  
HONORABLE FRANK A. FARRY  
HONORABLE THOMAS MEHAFFIE  
HONORABLE CARL WALKER METZGAR  
HONORABLE BRETT R. MILLER  
HONORABLE TINA PICKETT  
HONORABLE CHRIS QUINN  
HONORABLE THOMAS R. SANKEY  
HONORABLE ROB MATZIE, DEMOCRATIC CHAIRMAN  
HONORABLE STEVEN MALAGARI  
HONORABLE KYLE MULLINS  
HONORABLE DARISHA PARKER  
HONORABLE PETER SCHWEYER  
HONORABLE PAM SNYDER

\* \* \* \* \*

*Pennsylvania House of Representatives  
Commonwealth of Pennsylvania*

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SUBMITTED WRITTEN TESTIMONY

\* \* \*

(See submitted written testimony and handouts online.)

## P R O C E E D I N G S

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1  
2  
3 MAJORITY CHAIRMAN MARSHALL: I hereby call this  
4 hearing of the House Consumer Affairs Committee to order.

5 I'd like to welcome our two testifiers today.  
6 First is Ed Mooney, International Vice President of the  
7 Communication Workers of America, District 2-13. The  
8 second is Kris Anderson, the International Representative  
9 for IBEW District 3. It's great to have you both here  
10 today. I look forward to hearing your testimony.

11 I would note that we received significantly more  
12 written testimony from various parties. All of the  
13 testimony has been distributed digitally to the Members of  
14 our Committee. We'll save questions from our Members until  
15 the end of the testimony from both members.

16 Chairman Matzie, do you have any opening remarks?

17 DEMOCRATIC CHAIRMAN MATZIE: I do not. I look  
18 forward to the testimony. Thank you, Mr. Chairman.

19 MAJORITY CHAIRMAN MARSHALL: Thank you. Mr.  
20 Mooney, would you like to begin, sir? Mr. -- okay. Mr.  
21 Anderson, thank you. The switch is at the base.

22 MR. ANDERSON: Good morning, everyone. Thank  
23 you, Chairman Marshall, Chairman Matzie, the rest of the  
24 Members of the Committee. I thank you for having us today.  
25 We appreciate this opportunity. As Chairman Marshall said,

1 my name is Kris Anderson and I work as an International  
2 Representative for the IBEW's 3<sup>rd</sup> District. In  
3 Pennsylvania, we represent about 40,000 members throughout  
4 the state of which about 9 -- 8,000 work in the electric  
5 utility industry and the telecom industry.

6           When it comes to the expansion of the 5G  
7 technology and the deployment of this, you know, we feel  
8 that it is very important to put the consumers, the  
9 workers, and the citizens of Pennsylvania all at the  
10 forefront. We understand, especially given the past year  
11 throughout the pandemic, the importance to have reliable  
12 technology available to all citizens. It is the IBEW's  
13 intent to partner with all willing participants to deploy  
14 this technology as quick as possible with respect to safety  
15 for the workers and the community at large.

16           We would like to see several amendments  
17 introduced to shore up the safety of the workers in the  
18 electric utility industry, the telecom industry, and  
19 furthermore, for the general public because of that. The  
20 -- given the nature of these facilities, they will intrude  
21 into the electric utility right-of-ways. With that being  
22 said, we want to make sure that the public is protected at  
23 all times. We've seen many instances before where there's  
24 been some work done on behalf of sub-contractors that has  
25 been left in subpar fashion that has endangered both future

1 workers and the public while they leave the sites.

2 We feel that the easiest way to do this would be  
3 to hold the facility owners and the sub-contractors to the  
4 same standards that the Public Utility Commission holds all  
5 regulated utilities to. We feel that we can accomplish  
6 these goals through this legislation, while ensuring that  
7 these developers still have the ability to expand on the  
8 technology. We feel that there's a tremendous opportunity  
9 before us. We look forward to partnering with all of you  
10 on this.

11 I've submitted my testimony in writing before.  
12 If anyone has any questions, I'd be happy to answer them.  
13 Thank you.

14 MAJORITY CHAIRMAN MARSHALL: Thank you. Mr.  
15 Mooney?

16 MR. MOONEY: [inaudible] -- you'll just have to  
17 ask me to tone it down, but I'm sorry. I believe it's on.  
18 Can you hear me? I'm not allowed to use can you hear me  
19 now, they sued us for that before.

20 So, you know, we want to make sure in this. And  
21 again, we've been at this, I myself have been up here in  
22 Harrisburg and I worked with Phil. We've worked with  
23 Representative Farry in a previous session. Chairman  
24 Matzie and Beth had worked with us over the last several  
25 years trying to get to this, right? We weren't able to get

1 there, so Chairman Marshall, we appreciate the hearing  
2 today and hope that this is the beginning of a process that  
3 gets this to a conclusion.

4 We, neither the CWA nor the IBEW wants to see any  
5 of the technology not deployed throughout the Commonwealth,  
6 but we are focused on deploying the technology throughout  
7 the Commonwealth in an even-handed way. We've seen what  
8 the pandemic has done to the Commonwealth.

9 And if any of you have been on this Committee  
10 since 2008, I have testified over the years that we were  
11 not distributing the latest and greatest technology evenly  
12 across the Commonwealth with not only all of the iLEC's who  
13 received deregulation from this body back in 1991 in  
14 exchange for commitments to built out that technology even-  
15 handedly across the Commonwealth. And we have seen an  
16 overlay of that in the wireless industry as that has  
17 evolved.

18 So our interest is making sure that the  
19 communities are serviced, the communities who are unserved  
20 now and haven't been served are addressed in this  
21 legislation and others. It has been pointed out by the  
22 industry in previous testimony in a session in the Senate  
23 that they do not believe that this 5G Bill does anything to  
24 enhance the deployment of rural broadband. We happen to  
25 agree with that, but that needs to be a focus and an

1 attention of this legislative body based on what we've seen  
2 in the pandemic.

3 At the risk of repeating myself, my son went to  
4 high school in the City of Philadelphia. Actually, eight  
5 years ago now, he's a recent graduate of the University of  
6 Alabama and the payments have stopped, which I am thankful  
7 for. But he was able to during high school from 2012 to  
8 2016, do his schoolwork in school with 1 gigabyte service,  
9 go home to his own house with his mother and have access to  
10 1 gigabyte service from both Verizon and Comcast. He could  
11 go to either of this grandparents' houses in the  
12 neighborhood and access the same 1 gigabyte service from  
13 both providers and from my house.

14 And I would suggest to you if any of you are from  
15 outside the five county area in Philadelphia or outside of  
16 Allegheny County, to try to apply that same circumstance to  
17 the students in your school districts, I will bet you you  
18 fail at that prospect.

19 We need to make sure. These are the same  
20 providers in different iterations. I notice there's a  
21 representative here from AT&T Wireless who I met with in  
22 the last session where they tried to wash their hands and  
23 said, hey, we're not the iLEC in Pennsylvania. We didn't  
24 make these commitments you refer to in 1991, therefore, we  
25 haven't failed in any of our commitments, right? See, that

1 would be good if I wasn't an International Vice President  
2 and didn't hear the same story repeated over and over again  
3 by vice presidents in other areas. If you change the state  
4 from Pennsylvania to Texas, Arkansas, or some obligation  
5 those employers had, they did the same thing in those  
6 states.

7           They don't make this up one at a time as you're  
8 all well aware. They go state-to-state. In fact, in a  
9 previous session, it was pointed out to me that 24 other  
10 states Ed, have agreed to this preemption. Why are you  
11 opposed to this, right? Well, I believe it's 48 states now  
12 have agreed to an extraction tax on natural resources. You  
13 want to take a guess one of them that didn't yet? So if we  
14 do anything, we hope that this legislative body learns from  
15 what the other states did.

16           In a previous session, we showed copies of what  
17 Maine did which protected the interests of the state. We  
18 showed provisions now New York City made an agreement where  
19 there's provisions in there that if they're going to build  
20 out this technology, that they create a pricing scale  
21 because it's not only deploying the technology to even-  
22 handedly across the Commonwealth, but there also has to be  
23 a price structure where everyone is able to access it.  
24 This has become an affordability issue. And is now as you  
25 heard the President of the United States say, this



1 technology in your home is a necessity based on the  
2 pandemic; whether you're a senior citizen, you're trying to  
3 do your doctor's visits over there, whether you're sent to  
4 work from home due to the pandemic, or you're a student  
5 trying to accomplish your schoolwork from home. These are  
6 necessary things to be in the -- in everyone's possession  
7 and available to them. We have to make sure it's done  
8 even-handedly and affordably across the Commonwealth.

9           They were our issues when we raised these. As it  
10 winds down and this bill continues to we believe improve  
11 based on the previous versions, we look forward to  
12 participating constructively in that process with you guys  
13 to hopefully, we come out with a bill that's better than  
14 all the other states that went before us that we learn from  
15 their experience. So I appreciate your time and if you  
16 have any questions for us, obviously, we'll be happy to  
17 answer them.

18           MAJORITY CHAIRMAN MARSHALL: I appreciate and  
19 value your testimony, both of you. You have my commitment  
20 that we will work with you and with our citizens to get the  
21 right legislation through. We really need to work together  
22 to get it done. I believe there are questions.  
23 Representative Matzie, would you like to start?

24           DEMOCRATIC CHAIRMAN MATZIE: Thank you, Mr.  
25 Chairman. And thank you both Ed and Kris for your

1 testimony today, your willingness to participate in  
2 conversations that we have had over the course of the last  
3 24 plus months on a variety of issues as it pertains to  
4 broadband deployment.

5           And I think often times when you talk about  
6 broadband deployment, everyone wants to just jump on the 5G  
7 bandwagon and we know the broadband deployment, it has been  
8 in existence for some time prior to 5G even becoming part  
9 of the vernacular. So, you know, the workforce and the  
10 safety of the workforce, as well as, the community at large  
11 is paramount.

12           And I think any time policy is brought forth that  
13 would enhance or talk about advancing the technology, we  
14 need to keep that in mind. And I think that's our  
15 responsibility as policymakers. The safety of the public,  
16 the safety of workforce, and ensuring that whoever is  
17 participating in any install is doing it in the correct  
18 manner. The last thing we want is install being done  
19 incorrectly and then a worker coming in to do a repair and  
20 then have to do a repair of shoddy work and puts their  
21 safety at risk and the safety of the public.

22           So we appreciate your willingness to participate  
23 as a stakeholder because that's a key vernacular in my  
24 judgment. You are stakeholders as part of this discussion  
25 as we advance.

1           As it stands right now, there has been  
2 conversation, there's no written per se bill that we have  
3 brought forth to this Committee relative to the issue for  
4 this particular term. We've had past iterations and had  
5 past discussions with stakeholders and hope to continue to  
6 have those conversations as we advance.

7           If we've seen anything in this last year relative  
8 to the digital divide, there is no question about it that  
9 there are a variety of areas within the 67 counties of  
10 Pennsylvania that do not have adequate access. And I often  
11 time overuse a statement for a variety of things that fall  
12 under our purview in the Consumer Affairs Committee, but I  
13 think it works for when we talk about broadband here in  
14 Pennsylvania as well. There is a level of expectation when  
15 somebody flips on their computer, goes to their phone, that  
16 they have access. And we had students during the pandemic  
17 over the last year, unable to do their homework. Going to  
18 a fast food restaurant where they can get free Wi-Fi in the  
19 parking lot. Schools had to setup, you know, free Wi-Fi in  
20 the parking of the schools to allow for kids to have that  
21 opportunity.

22           And I think we would be doing a disservice to the  
23 public if we do not advance measures when we talk about  
24 deployment and continued deployment and not have a rural  
25 broadband component. That's my personal opinion as the

1 Democratic Chairman of this Committee. So that needs to be  
2 part of any discussion as far as I'm concerned.

3 So I appreciate your comments and your testimony  
4 from a workforce perspective. Safety is key. And I know  
5 that's one of the things that both of you have brought to  
6 our attention over the course of the last two years  
7 relative to any discussion about this bill. So you have my  
8 word as the Majority Chairman said to continued that  
9 dialogue and those conversations.

10 So we appreciate your testimony here today and I  
11 know we've had a lot of conversations and discussions and  
12 I'd like to hear from the Members and have them have the  
13 opportunity ask some questions. Thanks, Mr. Chairman.

14 MAJORITY CHAIRMAN MARSHALL: Thanks, Chairman  
15 Matzie. I agree wholeheartedly that I'm as committed as  
16 well to rural broadband whether it would in the same  
17 legislation or whether or it would be in separate  
18 legislation. If there are multiple bills, the hope would  
19 be that they could track together side-by-side and we'll  
20 work with the Senate as well to get technology legislation  
21 out there. We do want to get it done right.

22 MR. MOONEY: So can I -- these same providers  
23 that come before you today requesting this preemption and  
24 the 5G, they've had opportunities in Pennsylvania and other  
25 states to access funds to build out rural broadband. The

1 most recent one is the RDOF, Rural Development Opportunity  
2 Fund. The largest carrier in the Commonwealth of  
3 Pennsylvania, Verizon, has chosen not to request any of  
4 those funds because they claim they come with other  
5 obligations. So that's something the Committee can look  
6 into.

7           Frontier Communications in the central part of  
8 the state which has a much smaller footprint to give you  
9 some perspective, received I believe \$43 million to build  
10 out fiber broadband throughout their footprint. So if you  
11 take that 43 million and multiply it out over the size of  
12 Verizon's rural footprint, I know Frontier in the State of  
13 West Virginia I represent, received \$247 million to build  
14 out broadband there.

15           So the money is accessible. You can ask the  
16 employers why they're choosing not to ask for it, but if  
17 they use that together to build this out on top of what  
18 we've already given them through deregulation and  
19 contributing more to them since 1991, we can ask them, you  
20 know, why don't we have this done yet, so.

21           MAJORITY CHAIRMAN MARSHALL: Thank you. And  
22 we're looking forward to more commitment from the federal  
23 government on that issue and we will take questions now  
24 from Members, starting with Representative Snyder.

25           REPRESENTATIVE SNYDER: Thank you, Mr. Chairman.

1 Mostly, I'd like to make some comments. As everyone knows  
2 when it comes to broadband, I have to speak. You are  
3 absolutely right about the RDOF funding. You know, in my  
4 district, it is Windstream that has received a large chunk  
5 of money to do just that, but it's going to take time. You  
6 know, I think this pandemic has shown us a couple of  
7 things.

8           First of all, that what I've been saying for over  
9 four years, everybody needs broadband access whether they  
10 realize it or not, they now realize it. And the other  
11 thing that I think we learned is how important our food  
12 supply chain is. When we were all at stay-at-home, you  
13 know, worrying about how we were going to get our  
14 groceries, you know, our farmers need to be connected in  
15 order to be successful and continue to provide us with our  
16 food supply. Our students need to be able to have access  
17 to their educational needs. In my district, there are  
18 many, many areas where that is not occurring.

19           So I really appreciate your testimony and, you  
20 know, when I talk about energy because that's a big issue  
21 in my district, I always say we need it all and I believe  
22 that wholeheartedly, we need it all. And I feel the same  
23 way about broadband. We need it all. We can't -- you  
24 know, it's hard for companies to reach that final mile.  
25 So, you know, it might take a 5G technology or a satellite

1 service of some kind, but we need it all.

2           So I think we are at a crossroads in this  
3 Commonwealth coming off of this pandemic with the federal  
4 funds that are going to flow here. We need to make sure  
5 every single Member of this General Assembly has a duty to  
6 make sure that those federal dollars are going where they  
7 belong to deploy broadband across this Commonwealth. So we  
8 need everyone at the table. I have three bills out there  
9 to try to enhance that to happen and we need a commitment  
10 from everybody because we can't leave it better for the  
11 next generation if we fail at this issue. So thank you for  
12 your testimony. Thank you, Mr. Chairman.

13           MAJORITY CHAIRMAN MARSHALL: Thank you,  
14 Representative. Our next question is Representative  
15 Schweyer.

16           REPRESENTATIVE SCHWEYER: Thank you, Mr.  
17 Chairman. Thank you, both for your testimony. Mr. Mooney,  
18 I don't live in the five county region, I'm next door. I  
19 live in Lehigh County. I represent the City of Allentown.  
20 And when I first started, you know, learning about this,  
21 gosh, we're talking many, many cycles ago, my research  
22 about what's going on in Allentown which is not  
23 Philadelphia, but we're also not a little tiny town  
24 somewhere. We're 125,000 people in the City of Allentown.  
25 The slowest download speeds in all of Lehigh Valley are in

1 downtown Allentown. So I have the exact same problem for  
2 the exact opposite reasons as Representative Snyder.

3 My challenge is this. I have an extraordinarily  
4 poor population. My school district was 100 percent  
5 virtual up until just a few weeks ago. I had over 3,000  
6 kids that didn't have access to internet in their homes.  
7 And for those that did, including my kids that are in the  
8 school district, we were -- if they were using the Wi-Fi  
9 technology as opposed -- I'm sorry, wireless technology as  
10 opposed to Wi-Fi in the house, their download speeds were  
11 just unsustainable. And kids were -- their computers were  
12 crashing all over the place, their Chromebooks, whatever we  
13 were able to cobble together.

14 And for me, again, I have the same problem as  
15 somebody like Representative Snyder, but again, for the  
16 exact opposite reasons. It's not that from my perspective  
17 that the telecoms are unwilling to invest in a place like  
18 Allentown because it makes sense, right? I got 125,000  
19 people. You could make a whole lot of money on just volume  
20 alone in a city like mine. Our problem has been municipal  
21 interference with our ability to deploy.

22 I -- full disclosure, I was once president of  
23 Allentown City Council. I understand municipal government  
24 very well. And it was the obstructions that we were  
25 getting from our city that was preventing us from having



1 that download speed. So whereas, unlike other areas where  
2 folks were unwilling to invest, they were willing to  
3 invest, they just were prevented by again a, you know,  
4 candidly and without, you know, calling individuals out,  
5 folks that thought the deal was going to be different and  
6 was going to save the budget or something along those lines  
7 for the city.

8           With that said, your points about space of  
9 deployment is very important, particularly in a place like  
10 -- or dense urban core like I represent. And there are  
11 very interesting points. I do very much want to see more  
12 of what some of the other states have done, but and I mean  
13 that. So I will support any of our opportunities to  
14 support any working class or poor person in Pennsylvania to  
15 be able to get this technology and figure out the different  
16 ways that we need to do it because in some -- I don't know  
17 that we need the federal money to be able to deploy in  
18 Allentown. I'm sure they would like it, but I think in our  
19 case, we just need the municipal government to step aside  
20 so that we're able to do so. So, yeah, please by all  
21 means.

22           MR. MOONEY: You're talking about them allowing  
23 you to deploy 5G in Allentown?

24           REPRESENTATIVE SCHWEYER: Um-hum, yeah.

25           MR. MOONEY: So here's the question.

1           REPRESENTATIVE SCHWEYER: They just started,  
2       yeah.

3           MR. MOONEY: Have they already run fiber to every  
4       home in Allentown?

5           REPRESENTATIVE SCHWEYER: Pretty much. I think  
6       85 percent or so.

7           MR. MOONEY: Fiber to the home is already there.

8           REPRESENTATIVE SCHWEYER: Pretty close to it,  
9       yeah.

10          MR. MOONEY: And they have access to FIOS?

11          REPRESENTATIVE SCHWEYER: Yeah, yeah, yeah.

12          MR. MOONEY: Okay.

13          REPRESENTATIVE SCHWEYER: There's a few  
14       neighborhoods that don't, but in large --

15          MR. MOONEY: Okay.

16          REPRESENTATIVE SCHWEYER: -- the -- almost the  
17       entire city has it --

18          MR. MOONEY: Okay.

19          REPRESENTATIVE SCHWEYER: -- yeah, yeah. And so,  
20       that's an excellent point because there are pockets of  
21       poverty, but our poverty is all around our business -- I  
22       want to be abundantly clear. There's -- I know that  
23       there's a business incentive for them to do it there.

24          MR. MOONEY: Right.

25          REPRESENTATIVE SCHWEYER: But that's been our

1 challenge.

2 MR. MOONEY: So I do -- I have a solution that  
3 maybe we can help with the poverty as well.

4 REPRESENTATIVE SCHWEYER: Sure.

5 MR. MOONEY: T-Mobile had a call center just in  
6 Allentown, right?

7 REPRESENTATIVE SCHWEYER: Oh, yeah, I'm well  
8 aware.

9 MR. MOONEY: Yeah, you're well aware, right?

10 REPRESENTATIVE SCHWEYER: Oh, yeah.

11 MR. MOONEY: You notice I said they used to have  
12 a call center, right?

13 REPRESENTATIVE SCHWEYER: I'm --

14 MR. MOONEY: AT&T used to have call centers.

15 REPRESENTATIVE SCHWEYER: Yeah.

16 MR. MOONEY: Verizon Wireless used to have call  
17 centers. They used to have network operation centers that  
18 ran the backbone.

19 REPRESENTATIVE SCHWEYER: Sure.

20 MR. MOONEY: They are all conspicuously absent  
21 from the Commonwealth of Pennsylvania while they come  
22 before you session after session after session asking you  
23 for more and more.

24 REPRESENTATIVE SCHWEYER: Yeah.

25 MR. MOONEY: So we want to lift those people up

1 out of poverty, let's stop obstructing people who want to  
2 join a union. We had organizing drives at that Allentown  
3 location.

4 REPRESENTATIVE SCHWEYER: And I've walked in line  
5 with Greg Putter --

6 MR. MOONEY: You might have been there.

7 REPRESENTATIVE SCHWEYER: -- every single time,  
8 so.

9 MR. MOONEY: So while they're here, you know,  
10 that's what we say.

11 REPRESENTATIVE SCHWEYER: Yeah.

12 MR. MOONEY: Make sure this is a mutual agreement  
13 here.

14 REPRESENTATIVE SCHWEYER: I understand. And I --

15 MR. MOONEY: They had the opportunities. They  
16 took the jobs away, but then they want to come back and ask  
17 for something else.

18 REPRESENTATIVE SCHWEYER: And I do not by any  
19 stretch of the imagination disagree with you. I've been a  
20 friend of CWI. I've been a friend of labor my entire  
21 career --

22 MR. MOONEY: Yeah, yeah, yeah.

23 REPRESENTATIVE SCHWEYER: -- and I'm proud, very  
24 proud of it. But the -- and again, I want to help make  
25 this proposal stronger.

1 MR. MOONEY: Right.

2 REPRESENTATIVE SCHWEYER: But again, that's sort  
3 of out -- my perspective of the -- again, the issue. We  
4 talk a lot about rural poverty. We talk about rural  
5 broadband. And absolutely, we should. In a Commonwealth  
6 like Pennsylvania and frankly, anywhere in the United  
7 States, that is a massive issue. We have the same problem  
8 for vastly different reasons. And so, that was sort of my  
9 perspective on this legislation for us here.

10 MR. MOONEY: So also to your point about the cost  
11 for the service, we as employees over the last two decades,  
12 I'd say from 2000 till today have made massive changes in  
13 our contracts from when it was a monopoly environment --

14 REPRESENTATIVE SCHWEYER: Yep.

15 MR. MOONEY: -- to what it is today. So if any  
16 employer wants to get up and wants to discuss those  
17 changes, I'll be happy to lay the examples of those  
18 contracts and how they've evolved year-over-year. We've  
19 made those changes. We've asked them to take the savings  
20 they had there to invest it into the networks and in  
21 expanding the service, so.

22 REPRESENTATIVE SCHWEYER: Understood.  
23 Understood. Again, I'm not here to debate, just --

24 MR. MOONEY: Oh, no, no, no.

25 REPRESENTATIVE SCHWEYER: -- I appreciate your --

1 MR. MOONEY: I'm --

2 REPRESENTATIVE SCHWEYER: Honestly, I appreciate  
3 your perspective.

4 MR. MOONEY: Right.

5 REPRESENTATIVE SCHWEYER: I really do.

6 MR. MOONEY: I don't want to sound argumentative.  
7 If I appear that way --

8 REPRESENTATIVE SCHWEYER: Not at all, not at all.  
9 I just -- that's just the perceptiveness I'm coming from, just  
10 so you know.

11 MR. MOONEY: Yes.

12 REPRESENTATIVE SCHWEYER: Because they're -- when  
13 we talk about it, and this is every bit as much for my  
14 colleagues as anybody else, when we talk about access to  
15 broadband, it's -- there is the other half of the equation  
16 that we don't always talk about which is the urban poor --

17 MR. MOONEY: Right.

18 REPRESENTATIVE SCHWEYER: -- and that's what I  
19 represent. So anyway, I very much appreciate both of you  
20 coming here. I really appreciate your perspective. I  
21 think it's important. Frankly, we should have done this  
22 some time ago and I'm glad to see you guys here today. So  
23 thank you --

24 MR. MOONEY: I'm glad we're here today.

25 REPRESENTATIVE SCHWEYER: -- Mr. Chairman.

1 MR. MOONEY: Thank you.

2 MAJORITY CHAIRMAN MARSHALL: Thank you, sir. Our  
3 next question is from Representative Frank Farry.

4 REPRESENTATIVE FARRY: Thank you, Chairman. And  
5 gentlemen, thank you for being here. I know we have some  
6 newer Members on the Committee, Representative Schweyer and  
7 Chairman Matzie we've done this waltz for a few sessions.  
8 Chairman Marshall, I -- you're our new Chairman which we  
9 appreciate. I just want to give a bit of a historical  
10 perspective for the Committee and for the public.

11 This legislation was first introduced in 2017-  
12 2018. And that bill had significant flaws and I think  
13 we're all well aware of it. Heading into last session, you  
14 know, there were numerous means with the various  
15 stakeholders to try and come up with the best bill  
16 possible. The House Bill 1400 in last session was focused  
17 on 5G deployment. You know, Representative Snyder has been  
18 a leader on rural broadband. It's not an issue  
19 particularly in my district, but I stand with my colleagues  
20 from our rural areas in trying to address those needs.

21 But specific to House -- former House Bill 1400,  
22 you know, a lot of work went into that. A lot of work went  
23 into meeting with the stakeholders, whether it was the  
24 first responder community, the labor community, the  
25 municipal community, the carriers, the business community,

1 and we're trying to produce the best product possible.

2           What has changed since the last meeting we had on  
3 that was in February of 2020. What has changed is what  
4 we've dealt with with this pandemic. I don't bear to  
5 repeat what other people have said, but, you know, we have  
6 seen the significant problems with connectivity and the  
7 demand that is needed for people to have access and most  
8 importantly, capacity. Something I learned through this  
9 process is when I go on my phone and I got little circles  
10 spinning, I thought, oh, I don't have service. A lot of  
11 that was there just wasn't capacity in the system for me to  
12 be able to connect to what I was trying to connect to.

13           So, Mr. Mooney and Mr. Anderson, I appreciate  
14 your time being here. We have had previous meetings. My  
15 understanding is IBEW has submitted some written comments  
16 to the former bill. There hasn't been a bill introduced  
17 this session. Mr. Mooney has CWA submitted any written  
18 comments or is that -- are those written comments from IBEW  
19 represent both of your interests?

20           MR. MOONEY: We represent both of us, but we  
21 haven't gotten the actual bill yet. When the bill drops,  
22 we'll do that as well. For instance, we're being told that  
23 the municipalities have made some agreement. We're hearing  
24 that. We hope that's good, but I think it actually showed  
25 up in the last draft, but we haven't submitted anything



1 since then.

2 REPRESENTATIVE FARRY: The -- because in our  
3 February 2020 meeting, there were three things that came  
4 out of that meeting that were supposed to be followed up  
5 one. One, written language was -- well, four things.  
6 There was supposed to be a hearing. We're having that now.  
7 Written language was supposed to be submitted.

8 MR. MOONEY: Right.

9 REPRESENTATIVE FARRY: Which IBEW has, CWA has  
10 not. You brought a subject matter expert from upstate, I  
11 don't know where he was from, pretty smart guy. Maybe the  
12 ED's remember who that gentleman was.

13 MR. MOONEY: Scott? He was our attorney.

14 REPRESENTATIVE FARRY: Your attorney.

15 MR. MOONEY: Right.

16 REPRESENTATIVE FARRY: But he was subject matter  
17 expert on --

18 MR. MOONEY: He's a -- right. He works on --

19 REPRESENTATIVE FARRY: -- yeah, on these issues.

20 MR. MOONEY: -- telecom regulations, right.

21 REPRESENTATIVE FARRY: And there were supposed to  
22 be follow up meetings with both the Republican and Democrat  
23 ET's that then never happened. So if they need to happen,  
24 I suggest we move forward with that.

25 MR. MOONEY: Right.

1           REPRESENTATIVE FARRY: And then the final thing  
2 was at that point in time, 28 other states had already  
3 passed similar legislation, the same or similar  
4 legislation.

5           And one of the things that was supposed to come  
6 from that February 2020 meeting was if there were labor  
7 issues or particular issues, employee safety is a huge  
8 thing. From those other states, we were supposed to be  
9 provided feedback on what those other states did to address  
10 the concerns that were being raised and we still, to my  
11 knowledge, we still haven't been provided that information.

12           So now we're here May of 2021, you know, well  
13 over a year later and we still don't have that information.  
14 You know, I'm not sure if the Chairman are working from  
15 1400, you know, as a baseline to build from, but I suggest  
16 we move forward with that. And I would hope, you know, a  
17 year plus later that information can be provided if that  
18 information is needed. I'm happy to see what IBEW has  
19 submitted in terms of written comments. You know, but we  
20 can also walk and chew gum and we've talked a lot about  
21 rural broadband and we know it's a problem and, you know,  
22 I'm happy to stand with my rural colleagues in trying to  
23 address it.

24           But we need to address the 5G issue as well. I  
25 will tell you, you know, the impact that it's had with this

1 pandemic and the lack of capacity is significant. I chair  
2 the Human Services Committee. We had a hearing yesterday  
3 jointly with the Ed Committee and literally the experts in  
4 the education and mental health field that were testifying  
5 yesterday, talked about students' education being  
6 interfered with. You know, we just heard Representative  
7 Schweyer talk about his community and the problem they had.  
8 There were problems with connections in my community and my  
9 community is not a poor community.

10 We also heard from them about telehealth and the  
11 mental health struggles our young people have gone through  
12 because of the changes they encounter with this pandemic  
13 and them not having access to telehealth because of lack of  
14 connectivity. So our seniors and disabled communities need  
15 access through telehealth. You know, telemedicine is a  
16 very important thing. Our first responders community,  
17 there's a letter of support, I believe that was sent from  
18 our first responder community, they're advocates for it.

19 So, you know, I think it's very important that,  
20 you know, we talked about seniors, we talked about our  
21 children, we talked about our first responder community,  
22 and obviously, just the citizen's at large that were  
23 working from home during this, which included us because we  
24 can actually dial in remotely.

25 So I think it's time we stopped talking about it,

1 considering the first bill was introduced four years ago  
2 and if there are true concerns, whether they're municipal,  
3 business, carrier, labor, let's get what those concerns  
4 are. Let's come up with what the bill is. I don't care  
5 whose bill it is, but let's get the right bill and let's  
6 get it done.

7 MR. MOONEY: Right.

8 REPRESENTATIVE FARRY: Because we've been talking  
9 about this for too long. And there's been plenty of  
10 opportunity to bring results. Chairman Matzie, when I was  
11 reviewing, I was -- here's my file right here. A lot of  
12 work's gone into this ladies and gentlemen.

13 MR. MOONEY: Right.

14 REPRESENTATIVE FARRY: And he's got his file  
15 right there.

16 MR. MOONEY: I left the other half of mine back  
17 in the office, so I agree.

18 REPRESENTATIVE FARRY: So Chairman Matzie had, I  
19 don't know, 10 or 12 amendments, right, that we sat down  
20 and worked through. We've worked through this on a  
21 bipartisan level. When I was reviewing the file yesterday,  
22 I was reading through your amendments. You know, we just  
23 need to get it done. Let's stop talking.

24 MR. MOONEY: Yep.

25 REPRESENTATIVE FARRY: Let's get it done.

1 MR. MOONEY: So --

2 REPRESENTATIVE FARRY: So we had agreements in  
3 that 2020 meeting, February 2020 on what the next steps  
4 were and then nothing happened. Granted a pandemic hit us,  
5 you know, six weeks later, but it's time to stop talking.  
6 It's time to get it done. So employee safety is very  
7 important. Let's get that addressed. The municipal groups  
8 can speak for themselves. I see Mr. Troxel was here, you  
9 know, PSATS has been heavily involved. You know, let's  
10 find out, you know, my understanding is they've worked out  
11 what their concerns are, let's find out what your labor  
12 concerns are and let's move forward, so --

13 MR. MOONEY: Right. And I believe at the time we  
14 left that, ours -- you refer to the subject matter expert  
15 was our attorney. He's going to work with Phil on going  
16 back-and-forth on that and we'll make sure that they  
17 reconnect to complete that process.

18 REPRESENTATIVE FARRY: Okay, thank you.

19 MAJORITY CHAIRMAN MARSHALL: Thank you,  
20 Representative. Are there other questions from Members of  
21 the Committee? Seeing none, closing remarks,  
22 Representative Matzie?

23 DEMOCRATIC CHAIRMAN MATZIE: Thank you, Mr.  
24 Chairman. And again, the conversations continue. I echo  
25 the comments of the gentleman, Mr. Farry. You know, I

1 think obviously, the pandemic hit, I think two weeks after  
2 that meeting. We kind of shut things down. We had a  
3 different Chairman, a Majority Chairman, obviously, a new  
4 Chairman now this term.

5           So as we advance and have these conversations, I  
6 think one of the things in this representative form of  
7 government, we represent 60 plus thousand people in the  
8 House. And when you come here to the Capitol, often times,  
9 you know, you resemble who you represent. And I know we  
10 all take that very seriously.

11           And we all were faced with a variety of  
12 challenges over the course of the last year. You know, I  
13 had a daughter who was a senior in high school. Her senior  
14 year was interrupted. First year of college was  
15 interrupted in a dorm room her whole first semester, second  
16 semester she stayed home and did classes. But my wife,  
17 she's been working from home since March 16 of 2020. I  
18 hope she never has to go back into her physical office by  
19 the way, but productivity continued and we were fortunate  
20 that the connectivity in my neighborhood was sufficient to  
21 handle all three of us at times in the house.

22           So as we continue this dialogue and have these  
23 conversations, we need to take into consideration what  
24 Chairman Farry talked about relative to telehealth also and  
25 other things. I'm, you know, the primary caregiver of my

1 parents, my father passed of COVID in January. He was in a  
2 nursing home, we didn't see him for eight months and got to  
3 say goodbye, that was it. You know, my mother back-and-  
4 forth to the doctors a variety of specialists. She's  
5 undergoing a process right now. So having those  
6 opportunities not to take them out during that pandemic and  
7 get on an iPad and have dialogue with the doctor was  
8 important and thankfully, we had adequate service.

9 So all of that needs to be part of the discussion  
10 and as Chairman Marshall said look forward to rolling up  
11 our sleeves and coming up with something that makes sense  
12 for everyone. So thank you again for your testimony here  
13 today.

14 MR. MOONEY: Thank you.

15 MAJORITY CHAIRMAN MARSHALL: Thank you, Mr.  
16 Chairman. Thank you gentlemen for your testimony. I'd  
17 especially like to thank all the Members for their  
18 attendance here today. We will work in bipartisan manner  
19 to address this issue. It's a grave concern for every one  
20 of us. We're committed to workers' safety. We're  
21 committed to citizens' safety. We want to get it done  
22 right. Thank you. And now I'll adjourn this meeting.

23 MR. MOONEY: Thank you.

24 (The hearing concluded at 11:00 a.m.)

1                   I hereby certify that the foregoing proceedings  
2 are a true and accurate transcription produced from audio  
3 on the said proceedings and that this is a correct  
4 transcript of the same.

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