



GEORGIA STATE SENATE SENATE RESEARCH OFFICE

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FINAL REPORT OF THE SENATE ADVANCED COMMUNICATIONS TECHNOLOGIES AND USE OF STATE AND LOCAL GOVERNMENT RIGHT OF WAY POLICY MODERNIZATION STUDY COMMITTEE (SR 1019)

COMMITTEE MEMBERS

Senator Frank Ginn – Chair
District 47

Senator Brandon Beach
District 21

Senator Steve Gooch
District 51

Senator P.K. Martin
District 9

Senator Butch Miller
District 49

Mayor Phil Best
City of Dublin

Commissioner Charlotte Nash
Gwinnett County Board of Commissioners

Ms. Suzanne Powell
Utility Technology Association

Mr. Patrick Turner
AT&T

Mr. Chris White
City of Thomasville

STUDY COMMITTEE FOCUS, CREATION, AND DUTIES

The Senate Advanced Communications Technologies and Use of State and Local Government Right of Way (ROW) Policy Modernization Study Committee (Committee) was created with the adoption of Senate Resolution 1019 during the 2018 Legislative Session. The Committee was established to investigate Georgia laws, regulations, and policies to determine what changes are necessary to achieve modernization, fairness, and technology neutrality regarding access to the rights of way and the taxation of services.

The following individuals were appointed to serve as members of the Committee:

- Senator Frank Ginn, District 47
- Senator Brandon Beach, District 21
- Senator Steve Gooch, District 51
- Senator P.K. Martin, District 9
- Senator Butch Miller, District 49
- Mayor Phil Best, City of Dublin
- Commissioner Charlotte Nash, Gwinnett County Board of Commissioners
- Ms. Suzanne Powell, Utility Technology Association
- Mr. Patrick Turner, AT&T
- Mr. Chris White, City of Thomasville

The following legislative staff members were assigned to assist the Committee: Mr. Trey Bennett from the Senate Research Office; Ms. Abigail Horvath, Legislative Assistant to Senator Ginn; Ms. Kat Middleton, General Counsel in the Office of the President Pro Tempore Butch Miller, Ms. Ines Owens of the Senate Press Office; and Ms. Shawn Marie Story of the Office of Legislative Counsel.

The committee held four public meetings – three at the State Capitol in Atlanta, Georgia, and one at Jackson EMC in Gainesville, Georgia.

MEETING TESTIMONY

Meeting 1 – October 4, 2018

The first meeting was held on October 4, 2018 at the State Capitol in Atlanta, Georgia. The Committee heard testimony from the following individuals:

- **Joshua Waller**, Director of Policy and Government Affairs, Georgia Department of Transportation
- **Andrew Heath**, State Traffic Engineer, Georgia Department of Transportation
- **Patrick Allen**, State Utilities Engineer, Georgia Department of Transportation
- **Todd Edwards**, Deputy Legislative Director, Association of County Commissioners of Georgia
- **Tom Gehl**, Director of Governmental Relations, Georgia Municipal Association
- **Kevin Curtin**, AT&T
- **Bob Davis**, Verizon
- **Stephen Loftin**, Georgia Cable Association

Meeting 2 – October 22, 2018

The second meeting was held on October 22, 2018 at the State Capitol in Atlanta, Georgia. Continuing the discussion from the first meeting, the Committee heard testimony from the following individuals:

- **Allen Bell**, Georgia Power
- **Bill Verner**, Vice President, External Affairs, Georgia EMC
- **Joe Dorough**, Vice President, Engineering and Operations, Jackson EMC
- **Daryl Ingram**, Sr. Vice President of External Affairs, Electric Cities of Georgia
- **Todd Edwards**, Deputy Legislative Director, Association of County Commissioners of Georgia
- **Abbylynn Anderson**, CableTV Franchise Manager, Cobb County Government

- **Tim Merritt**, Deputy County Manager, Forsyth County
- **John Cunard**, Director of Engineering, Forsyth County
- **Kimberly Adams**, Government Relations Manager, Crown Castle
- **Amanda Brown**, Government Relations Counsel, Crown Castle

Meeting 3 – November 11, 2018

The Committee held a third meeting on November 11, 2018 at Jackson EMC in Gainesville, Georgia to discuss its findings and potential recommendations. No speakers testified at this meeting.

Meeting 4 – December 18, 2018

The Committee met for a final time, at the State Capitol in Atlanta, Georgia, to vote on the Committee's recommendations and final report. Senator Ginn hosted the meeting in Room 450 of the Capitol. Senator Beach, Senator Miller, Ms. Powell, and Mr. White attended the meeting via teleconference; Senator Gooch and Mr. Turner attended in-person. The 7 attendees constituted a quorum. The vote to adopt the final report and recommendations was unanimous.

COMMITTEE RECOMMENDATIONS

- Encourage deployment of broadband and other advanced and emerging telecommunications technologies throughout Georgia. Policies should encourage the deployment of advanced technologies while addressing the disparities that have developed over time in the varying fee structures that apply to technologies that occupy the ROW in delivering similar services. Policies should also preserve the ability of local governments to be appropriately compensated for their oversight of the use of the ROW as such technologies change.
- Request the Georgia Department of Transportation to review their current fee structure to ensure fees are reasonable, predictable, non-discriminatory across all users of the ROW, based on actual incurred costs in overseeing the use of the ROW, and in the aggregate, do not result in the recovery of more than those actual incurred costs.
- Encourage pole owners to negotiate in good faith with telecommunications and cable companies to allow placement of communications technology on their poles.
- Encourage the municipal and county associations and the telecommunications industry to continue negotiations which will result in legislation facilitating the deployment of advanced and emerging technologies in public ROW.¹
- Revise the landline “due compensation” statutes, which currently require telecommunications and cable companies with no retail, end user customers in a municipality to pay the DOT rates for occupancy of the ROW, to instead require a lower amount in order to incent robust broadband deployment.

¹ Subsequent to the work of the Committee, the telecommunications industry and the municipal and county associations, including Georgia Municipal Association and the Association of County Commissioners of Georgia, came to an agreement regarding ROW use across the state. The Committee looks forward to working with these organizations to pass legislation codifying the agreement.

Respectfully Submitted,

**FINAL REPORT OF THE SENATE ADVANCED COMMUNICATIONS
TECHNOLOGIES AND USE OF STATE AND LOCAL GOVERNMENT RIGHT OF
WAY POLICY MODERNIZATION STUDY COMMITTEE**

A handwritten signature in cursive script, appearing to read "Frank Ginn", is positioned above a horizontal line.

Senator Frank Ginn, Chair
District 47