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***Testimony of House Bill 2449
Amending the Video Competition Act***

**Testimony by CenturyLink
John Idoux, Kansas Governmental Affairs Director
Before the House Energy, Utilities and Telecommunications Committee
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Thank you Chairman Seiwert and members of the Committee. My name is John Idoux and I am CenturyLink's Director of Governmental Affairs for Kansas. I appreciate this opportunity to express CenturyLink's views of House Bill 2449.

Minor Changes With Potentially Major Unintended Consequences

On the surface, House Bill 2449 proposes two rather small changes to the definition of "competitive video service provider" and "video service"; however, these relatively small changes could have major unintended consequences that potentially impact CenturyLink and every other broadband service provider in the state.

Specifically, House Bill 2449 proposes the following definitional changes:

(d) "Competitive video service provider" means an entity providing video service, or the packet delivery system for video service, that is not franchised as a cable operator in the state of Kansas as of the effective date of this act and is not an affiliate, successor or assign of such cable operator.

(h) "Video service" means video programming services provided through ~~wireline~~ facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology.

Broadband service providers, also referred to as Internet providers, deliver video services such as YouTube, Netflix, Amazon Video, and countless other services over their broadband networks using packet technologies. Both wireline and wireless broadband providers deliver these video services to their customers. Consequently, House Bill 2449 potentially defines broadband Internet providers as competitive video service providers even though these companies may not be offering retail video service— they just simply deliver the packets.

Conclusion

The Video Competition Act refers to Sections 12-2021 through 12-2026. With the changes proposed in House Bill 2449, all broadband internet service providers are potentially now subject to the provisions of the Video Competition Act. While CenturyLink is obviously a broadband provider, CenturyLink does not offer traditional video services in Kansas and should not be subject to the Video Competition Act.