



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 479		DATE: 2/8/2023	
COMMITTEE: Utilities			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com	ATTENDANCE: Written	SUBMIT DATE: 2/8/2023 11:53 PM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

I Support this Bill. Stop any additional Tax on Video Streaming.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: HAMLIN WADE		PHONE NUMBER: 720-696-4672	
BUSINESS/ORGANIZATION NAME: DIRECTV		TITLE: ASSOCIATE VICE PRESIDENT, EXTERNAL AFFAIRS	
ADDRESS: 562 WEST AMHURST AVENUE			
CITY: ENGELWOOD		STATE: CO	ZIP: 80110
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/8/2023 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: CHARLES C. CAVERLY		PHONE NUMBER: 314-566-0424	
BUSINESS/ORGANIZATION NAME: CITY OF MARYLAND HEIGHTS		TITLE: COUNCILMAN WARD 3	
ADDRESS: 117 MIDLAND AVENUE			
CITY: MARYLAND HEIGHTS		STATE: MO	ZIP: 63043
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/8/2023 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: JOHN F. MULLIGAN, JR.		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 2/8/2023 12:00 AM
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: KEVEN SCHNEIDER		PHONE NUMBER: 816-271-4653	
BUSINESS/ORGANIZATION NAME: CITY OF ST JOSEPH MO		TITLE: DEPUTY DIRECTOR OF PUBLIC WORKS	
ADDRESS: 1100 FREDERICK AVENUE			
CITY: ST JOSEPH		STATE: MO	ZIP: 64501
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/8/2023 12:00 AM	
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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: MARK BRUNS		PHONE NUMBER:
REPRESENTING: CITY OF ST. PETERS		TITLE:
ADDRESS:		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65101
EMAIL: mark@brunslobby.com	ATTENDANCE: Written	SUBMIT DATE: 2/7/2023 7:49 PM
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Taxpayers in the City of St. Peters foot the bill to maintain hundreds of miles of public right of way. Private, for-profit companies that utilize the right of way need to pay their fair share and contribute to right of way maintenance.



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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: PAT KELLY		PHONE NUMBER: 314-726-4747
REPRESENTING: MUNICIPAL LEAGUE METRO ST LOUIS		TITLE:
ADDRESS: 11911 DORSETT ROAD		
CITY: MARYLAND HEIGHTS		STATE: MO
		ZIP: 63043
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/8/2023 12:00 AM
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: RICHARD SHEETS		PHONE NUMBER: 573-635-9134	
REPRESENTING: MISSOURI MUNICIPAL LEAGUE		TITLE:	
ADDRESS: 1727 SOUTHRIDGE DRIVE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65109
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/8/2023 12:00 AM	

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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: SHANNON COOPER		PHONE NUMBER: 660-890-1432	
REPRESENTING: CITY OF KANSAS CITY		TITLE:	
ADDRESS: 208 MADISON STREET			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/8/2023 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: STEVEN M. BEREZNEY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: sberezney@koreintillery.com		ATTENDANCE: In-Person	SUBMIT DATE: 2/8/2023 5:53 PM
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My name is Steven M. Berezney, and I am litigation counsel for the City of Creve Coeur in its two cases pending in St. Louis County Circuit Court since 2018 against DIRECTV, DISH, Netflix, and Hulu. In July 2022, the court appointed me (and several others) class counsel on behalf of 422 Missouri municipalities in the Netflix/Hulu case. A similar motion in the DIRECTV/DISH case is pending before the same judge. During the hearing today, DIRECTV and the bill sponsors claimed that the VSPA currently applies only to companies that own or control the wirelines in the public ROW carrying the video. This is wrong for several reasons. First, the Video Services Providers Act ("VSPA") repeatedly says otherwise. See § 67.2679.3, RSMo ("No person shall commence providing video service or commence construction of a video service network in any area until such person has obtained a state-issued video service authorization, under the provisions of sections 67.2675 to 67.2714."); § 67.2679.4, RSMo ("The public service commission shall have the exclusive authority to authorize any person to construct or operate a video service network or offer video service in any area of this state."). Use of the word "or" in both makes it plain that merely offering "video service" is sufficient. Streamers undeniably do that. Moreover, the definition of "video service" in § 67.2677(14) expressly includes "internet protocol technology," which DIRECTV, DISH, Netflix, and Hulu admitted in litigation that they use. Second, a Missouri circuit court held that "no 'owning or controlling' requirement is made in the VSPA itself" and the ROW Law "does not impart an 'owning or controlling' requirement into the VSPA." See City of Creve Coeur v. DIRECTV et al., No. 18SL-CC02821-01, at ¶ 23 (St. Louis County Cir. Ct. Dec. 30, 2020). Third, DIRECTV admitted during the hearing that it recently started paying VSP fees to municipalities based on wirelines owned by AT&T. That would not occur if what DIRECTV said today about the VSPA's scope was true. These three bills are also openly anticompetitive. They would allow only streaming companies to access the public ROW for free. Cable companies, who are streaming companies' direct competitors, would still have to keep paying VSP fees. The Legislature should not be choosing marketplace winners and losers. These bills are also designed to improperly interfere with pending litigation in St. Louis County. Currently, 422 municipalities have claims that are being litigated as we speak. The Legislature should let the court process play out and let the Task Force look at court rulings. Streamers haven't paid franchise fees to date (which is why they are subject to the pending lawsuits), so there's no reason for the General Assembly to rush. Finally, these bills completely circumvent the Task Force that was created two years ago as part of a compromise between cities, cable companies, and streamers during the Wayfair negotiations. The Task Force should be allowed to do its job and provide a recommended path that is workable for everyone after attempting to balance the interests of all relevant parties. These bills only care about one perspective. That isn't fair, and it makes for bad public policy. A deal is a deal. Streamers should not be rewarded for breaking their promises, circumventing the courts, and leaving municipalities with inadequate funding for public ROW costs that aren't going away while streamers admittedly operate for-profit

businesses using valuable public property while paying nothing for it. Please vote “No” on these three bills.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: WILL MARRS		PHONE NUMBER: 417-848-8561	
REPRESENTING: CITY OF SPRINGFIELD		TITLE:	
ADDRESS: 211 EAST CAPITOL AVENUE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: NOEL TORPEY		PHONE NUMBER: 816-674-8444	
REPRESENTING: MISSOURI INTERNET AND TELEVISION ASSOCIATION (MITA)		TITLE:	
ADDRESS: 217 EAST CAPITOL AVENUE			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
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