

Testimony before:  
Senate  
Veterans Affairs and Emergency Preparedness  
And  
Communications and Technology  
Committees  
By  
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Pennsylvania Food Merchants Association  
Pennsylvania Convenience Store Council  
March 24, 2010

I am addressing you to state opposition to the passage of HB 1789 by the Pennsylvania Food Merchants Association and the Pennsylvania Convenience Store Council. Despite the patient and thoughtful efforts of the bill's prime sponsor, Representative Solobay, the stakeholders involved in this bill have come to no agreement about the best way to ensure that PEMA and the emergency 911 network are fully and fairly funded.

A sampling of our members who are opposed to this bill would include – Giant Food Stores, Giant Eagle, Weis Markets, Acme Markets, Pathmark, Country Fair, GetGo, Sheetz, Rutter's, Pump n Pantry, Wawa, Turkey Hill, Genuardi's, Food Lion, CoGo's, Handee Marts, 7-11 and many more.

If David Letterman were our lobbyist, I think he would state his objections like this:

HB 1789:

10. Shifts the burden of collecting the bulk of the e911 fee from a handful of huge national firms to thousands and thousands of small local retailers.
9. Shifts the collection of the fee from the highest, most efficient wholesale level to the lowest, least efficient retail level.
8. Requires the Department of Revenue to develop new procedures to collect and distribute the fee.
7. Requires that the Department of Revenue develop procedures to audit the thousands of retailers who will be remitting payments.

6. Shifts the responsibility for collecting a cell phone fee from cell phone service providers to retailers who are not cell phone service providers.
5. Makes the poorest customers pay the most by charging them \$1 every time they replenish their cell phone minutes.
4. Makes the richest customers pay the least, who can buy their cell phone minutes in large blocks and pay the fee less frequently.
3. Makes retail store clerks explain to customers why a \$20 calling card will now cost \$21 plus tax and will not contain any additional minutes.
2. Continues the national campaign of AT&T and Verizon to shift their current legal responsibility of collecting this fee onto local retailers. This time Goliath beats David.
1. Provides no guarantee that all these inefficient changes will create more revenue for PEMA than making ALL cell phone service providers pay their fair share as current law requires.

Our members would appreciate a NO vote on HB 1789.

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