



Testimony Before the Joint Standing Committee on Energy, Utilities and Technology

L.D. 406 – An Act To Amend the Law Regarding Joint Use of Certain Utility and Telecommunications Infrastructure March 7, 2017

Chair Woodsome, Chair Berry, and members of the Energy, Utilities and Technology Committee, my name is Julie Hashem and I appear before you today on behalf of Emera Maine to testify *neither for nor against* LD 406.

Emera Maine supports expanding access to a wider range of broadband providers. Very simply, that's good for business in Maine. We also support granting the Public Utilities Commission rulemaking authority for the terms and conditions of joint use of equipment. We do not, however, support the idea of eliminating the need for parties to negotiate before the Commission can order joint use.

What does LD 406 do? This bill would change the conditions under which the Commission may order joint use of utility infrastructure. Today, the Commission may order joint use of equipment and prescribe compensation, terms and conditions, but only after a hearing, and only after parties have failed to reach agreement on their own. The bill would eliminate the negotiation process before the Commission could order the joint use of public utility equipment. The bill also would expand the types of entities who are eligible for joint access as well as the range of interests considered.

The importance of broadband access. Emera Maine is supportive of efforts to expand broadband access and is pleased that our infrastructure plays a role in bringing this economic development opportunity to more Maine communities.

Support for granting rulemaking authority. We support the idea of clarifying the Commission's ability to establish the terms, conditions, and rates for joint access to equipment because of the efficiencies that might provide for all. As a practical matter, however, there can be significant differences in what is required to accommodate joint access in different locations. Because one size is unlikely to fit all, we would suggest that the law retain the requirement that parties first attempt to negotiate the terms of joint use.

Conclusion. We appreciate the opportunity to provide these comments today, and we ask the Committee, before adopting LD 406, to modify the bill in a manner that requires parties to first negotiate the terms of attachment. Thank you, and we would be pleased to provide any additional information you may need.