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Testimony of Peggy Schaffer,  
Small Business Advocate, Secretary of State's Office  
On Behalf of The Maine Broadband Coalition In Favor of LD 406  
An Act To Amend the Law Regarding Joint Use of Certain Utility and Telecommunications  
Infrastructure

Senator Woodsome, Representative Berry, members of the Energy, Utilities and Technology Committee, I am Peggy Schaffer, Small Business Advocate from the Secretary of State's office. I am testifying on behalf of the Maine Broadband Coalition in favor of LD 406, An Act To Amend the Law Regarding Joint Use of Certain Utility and Telecommunications Infrastructure.

The Maine Broadband Coalition is a statewide group of individuals, businesses, communities, and advanced telecommunications providers who are committed to expanding access to high-speed internet across Maine. We have been in existence for about two years, and have worked with communities, the legislature, ConnectME and others to bring together innovative ways to expand broadband access in Maine.

My job is to help small businesses with regulatory issues. Pole Attachment is an issue in need of regulation. Businesses need predictability and a stable process. That simply does not exist now for pole attachment. This bill allows for the creation of a regulatory structure that provides that predictability for businesses and potentially communities who want to bring broadband to unserved and underserved areas of the state. Without that structure, it is a bit like the wild west. The entity that owns the poles makes the rules. That is just not a structure that works to enable expansion of broadband.

As you are likely to hear today, pole attachment is one of critical elements for Maine to expand broadband. Maine is not unique in trying to solve this problem. Across the country pole attachment can be 50-65% of the total project cost. That is a lot of money, and time. Creating a regulatory structure that can help predict and control that cost is critical to Maine's efforts to bring broadband to more areas.

There are two items the Coalition feels need to be clarified in the language of this bill. The first is whether government entities – towns, counties, regional utilities – like the type this committee created last session – will have the same access to the poles as the broad categories identified in this language change. Though we understand the intent is to include them, we would ask that that be spelled out in language. Times change, people come and go – but clarifying in statute that government entities like towns and counties are to be included in the regulatory structure that allows for easier more predictable access to the poles we think is critical.

The second clarification is to identify what the intent of this change is – to expand opportunities to grow broadband in Maine. Again, spelling out specifically in statute what the purpose of this

statute change and the subsequent rule making clarifies specifically why this action is being taken. We believe this PUC is committed to the goal of creating a predictable process to gain access to the poles so more providers and communities can expand broadband. But, spelling it out in law mean that the next PUC (or the one after it) will have that same direction and intent.

I often say that there is no silver bullet for solving Maine's broadband connection issues; it's about buckshot. Creating a pole attachment regime that includes all likely organizations and specifies the purpose of that process is a huge part of that buckshot.

We urge the committee to make the minor changes in language to clarify both who is to be included in this regulatory structure, and to identify what the intent of creating this process is as you work this bill in the coming weeks.