



Senator David C. Woodsome
3 State House Station
Augusta, ME 04333-0003
(207) 287-1505

Testimony of
Senator David Woodsome presenting *LD 406, "An Act to Amend the Law Regarding Joint Use of Certain Utility and Telecommunications Infrastructure"*

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Representative Berry, and distinguished members of the Joint Standing Committee on Energy, Utilities and Technology, I am Senator David Woodsome and I am here today to present to you, *LD 406, "An Act to Amend the Law Regarding Joint Use of Certain Utility and Telecommunications Infrastructure"*

The Public Utilities Commission believes legislative guidance on this issue would be helpful and therefore I introduced LD 406. The bill would update section 711 to reflect action by the FCC regarding additional providers that need access to utility poles and clarify the Commission's existing statutory authority in this area. The Commission proposes to update Section 711 with respect to entities with a statutory right to attach to utility poles and otherwise engage in joint use of utility facilities. LD 406 would add unlit fiber providers, as discussed above, telecommunications service providers, and information service providers. The terms "telecommunications service" and "information service" are taken from federal law.

As discussed above, until recently, the FCC had characterized internet service as an "information service" under federal law. In 2015, the FCC changed course and now characterizes internet service as a "telecommunications service." In the Commission's view, adding providers of both telecommunications service and information service to the list of entities entitled to joint use of utility equipment, along with providers of unlit fiber, ensures that broadband and other advanced communications technologies are categorized at a federal level. Either now or in the future, those entities will be able to efficiently expand their businesses and infrastructure in Maine. LD 406 also clarifies that the Commission may promote rules of general applicability with regard to the joint use of utility equipment, not just rules for matters that may arise in the context of a dispute regarding that equipment.

For additional questions, the Commission is here to provide more background on this issue.