MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 876

S.P. 301

In Senate, March 5, 2013

Resolve, To Establish a Working Group To Study Issues Relating to Broadband Infrastructure Deployment

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

DAREK M. GRANT Secretary of the Senate

Presented by Senator JOHNSON of Lincoln.

Cosponsored by Representative THERIAULT of Madawaska and

Senators: CLEVELAND of Androscoggin, JACKSON of Aroostook, MAZUREK of Knox,

Representative: RUSSELL of Portland.

- Sec. 1. Working group to study issues relating to broadband infrastructure deployment. Resolved: That the ConnectME Authority, established in the Maine Revised Statutes, Title 35-A, section 9203 and referred to in this resolve as "the authority," shall convene a working group to identify technical, legal, funding and jurisdictional challenges to the deployment of broadband conduit for fiber-optic communications and to develop solutions necessary to achieve and facilitate the deployment of broadband infrastructure. The working group shall consider access to public facilities and rights-of-way for broadband conduit installation, particularly as rights-of-way are disturbed for infrastructure projects, including, but not limited to, road and bridge construction, reconstruction and maintenance. The working group shall develop policies focused on increasing coordination between government agencies, including, but not limited to, state and municipal entities, and utility companies to decrease the frequency of highway excavation while expanding broadband capacity in the State; and be it further
- Sec. 2. Participants. Resolved: That the authority shall invite the following to participate in the working group:
 - 1. The chair of the Public Utilities Commission or the chair's designee;
- 18 2. The Chief Information Officer within the Department of Administrative and Financial Services or the officer's designee;
 - 3. The Commissioner of Economic and Community Development or the commissioner's designee;
 - 4. The Commissioner of Transportation or the commissioner's designee;
 - 5. The executive director of the Maine Turnpike Authority or the executive director's designee;
 - 6. A member of the public with significant knowledge of communications technology;
 - 7. A representative of the Maine School and Library Network;
 - 8. A representative of the Maine Municipal Association; and
- 29 9. Other parties at the discretion of the authority; and be it further
- Sec. 3. **Duties. Resolved:** That the duties of the working group are as follows:
- 31 1. To review the so-called federal dig once policy;

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- 2. To review other states' experiences and strategies relating to broadband infrastructure deployment, including the so-called dig once policies in other states;
- 3. To review state laws and rules and agency policies relating to highway and bridge construction and reconstruction and utility accommodation, including an evaluation of the feasibility and need for broadband conduit as part of the highway construction process;

- 4. To consider right-of-way issues, including management of right-of-way access;
- 5. To consider administrative issues, including ownership of conduit and procurement;
- 6. To consider funding models for the installation and maintenance of broadband conduit;
- 7. To consider the allocation and use of conduit capacity on an open-access, nondiscriminatory basis so that any financially responsible entity, including an institutional customer, telecommunications provider or Internet service provider, may lease fiber-optic cable along a route with the intent that all users have access at the same pricing structure and for substantially similar terms and conditions relative to their use of the network;
- 8. To identify road and bridge construction funding for broadband conduit installation; and
- 9. To explore the feasibility of incorporating a statewide broadband infrastructure plan to ensure that the State makes informed and knowledgeable decisions on a per project basis regarding whether installing conduit in the right-of-way of the project path affords reasonable potential benefit to expand broadband capacity and availability in the State; and be it further
- **Sec. 4. Report. Resolved:** That, by February 1, 2014, the authority shall submit a written report of the findings of the working group under this resolve and any recommendations, including suggested legislation, to the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Transportation. The Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Transportation may individually or jointly submit a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the report.

27 SUMMARY

 This resolve directs the ConnectME Authority to establish a working group to identify technical, legal, funding and jurisdictional challenges to the deployment of broadband conduit for fiber-optic communications and to develop solutions necessary to achieve and facilitate the deployment of broadband infrastructure. The resolve directs the authority to submit a written report of findings and recommendations to the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Transportation no later than February 1, 2014. The resolve gives the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Transportation authority to submit either individually or jointly a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the report.