

MAINE STATE LEGISLATURE

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Date 6/15/23

(Filing No S-336)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S P 574, L D 1456, "An Act to Facilitate the Expansion of Broadband"

Amend the bill by striking out the title and substituting the following

'Resolve, to Study the Effect of Current Laws and Rules on the Expansion of Broadband'

Amend the bill by striking out everything after the title and inserting the following

'Sec. 1. Public Utilities Commission study. Resolved: That the Public Utilities Commission, in consultation with the Maine Connectivity Authority, established in the Maine Revised Statutes, Title 35-A, section 9404, shall study current pole attachment laws and rules and the effects of those laws and rules on broadband expansion through public networks, private networks or public-private partnerships. The study must incorporate input and analysis from the Interagency Broadband Working Group, which is a working group led by the Maine Connectivity Authority, and include

1 An examination of the average time involved for each stage of pole make-ready work, as defined in Title 35-A, section 2524, subsection 1, paragraph A, including the time for joint use pole owners to approve new attachments for tax-exempt municipalities and private companies, and ways to decrease or standardize wait times for attachments,

2 Using readily available information to the extent possible, including pole data that may be available in the electronic pole attachment management system, an estimate of the number of utility poles statewide that could accommodate municipal facility attachments without the need to replace the pole and an assessment of compliance with Title 35-A, section 2524, subsection 2,

3 An assessment of the effectiveness of the commission's enforcement practices for timely relocation or removal of utility poles that are functionally obsolete, that are in violation of requirements of the federal Americans with Disabilities Act of 1990 or that obstruct current or future municipal infrastructure, and

COMMITTEE AMENDMENT

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4 A review of the commission's current educational resources regarding the rights of municipalities and other entities to attach to shared-use poles and the availability of the commission's dispute resolution process, including the effectiveness of such resources

By February 15, 2024, the commission shall submit an initial report to the Joint Standing Committee on Energy, Utilities and Technology describing the findings of the commission and the commission's progress toward addressing each of the elements of the study and any recommendations, including proposed legislation, resulting from the study After reviewing the initial report, the joint standing committee may report out a bill relating to the report to the Second Regular Session of the 131st Legislature By December 1, 2024, the commission shall submit a final report to the joint standing committee of the Legislature having jurisdiction over utility matters including findings and any recommendations, including proposed legislation, resulting from the study After reviewing the final report, the committee may report out a bill to the 132nd Legislature in 2025'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

SUMMARY

This amendment replaces the bill with a resolve that directs the Public Utilities Commission to study current pole attachment laws and rules and the effect of those laws and rules on municipal broadband expansion, instead of studying methods of promoting municipal broadband expansion through a limited-period reduction in pole attachment rates for broadband providers that agree to deliver new high-speed Internet service at affordable rates The study must include a review of each stage of the pole make-ready process, an estimate of the number of utility poles statewide that could accommodate municipal facility attachments without the need to replace the pole, an assessment of the commission's enforcement practices and related laws applicable to utility poles and a review of the commission's current educational resources related to pole attachments and the effectiveness of those resources The amendment requires the commission to submit an initial report of the study by February 15, 2024 and requires a final report to be submitted to the joint standing committee of the Legislature having jurisdiction over utility matters by December 1, 2024

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1456

LR 1208(02)

An Act to Facilitate the Expansion of Broadband

Fiscal Note for Bill as Amended by Committee Amendment "A (S.33le)"
Committee: Energy, Utilities and Technology
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Public Utilities Commission or the Maine Connectivity Authority from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources