

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1456

S.P. 574

In Senate, March 30, 2023

An Act to Facilitate the Expansion of Broadband

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GROHOSKI of Hancock.

Cosponsored by Senator: BENNETT of Oxford, Representative: ZEIGLER of Montville.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 35-A MRSA §711, sub-§4**, as amended by PL 2017, c. 199, §1, is further
3 amended to read:

4 **4. Rules.** The commission shall adopt rules governing the resolution of pole
5 attachment disputes and the rates, terms and conditions of joint use. The rules must promote
6 competition, further the state broadband policy set forth in section 9202-A and ensure safe,
7 nondiscriminatory access on just and reasonable terms. The rules must also include a
8 process for ensuring that a new joint use entity seeking access to the poles, ducts, conduits
9 or rights-of-way of another joint use entity meets the requirements of subsection 1,
10 paragraph D. The rules must also include a process by which joint use rates are required to
11 be reduced or capped and attachment time frames are regulated by the commission to
12 encourage community broadband systems pursuant to Title 30-A, section 5403, subsection
13 15. In establishing rates, the commission shall consider various formulas, including, but
14 not limited to, the formula adopted by the Federal Communications Commission as
15 codified in 47 Code of Federal Regulations, Part 1, Subpart J, as amended. Rules adopted
16 or amended pursuant to this subsection are routine technical rules as defined in Title 5,
17 chapter 375, subchapter 2-A.

18 **Sec. 2. Public Utilities Commission; study.** The Public Utilities Commission, in
19 consultation with the Maine Connectivity Authority, established in the Maine Revised
20 Statutes, Title 35-A, section 9404, shall study the methods of promoting municipal
21 broadband expansion, either through public networks or public-private partnerships,
22 through a limited-period reduction in utility pole attachment rates for broadband providers
23 that agree to deliver new high-speed Internet service at affordable rates. The study must
24 include:

25 1. An examination of the average wait time for joint use pole owners to approve new
26 attachments when the attaching entity is a tax-exempt municipality and of ways to decrease
27 or standardize wait times for attachments;

28 2. An assessment of what portion of utility poles statewide are in compliance with the
29 laws and rules requiring preservation of common space on utility poles in the public right-
30 of-way, the ways in which common space on utility poles can be better preserved and the
31 enforcement mechanisms for pole operators that are out of compliance; and

32 3. An assessment of the effectiveness of the Public Utilities Commission's enforcement
33 practices for timely relocation or removal of utility poles that are functionally obsolete, that
34 are in violation of requirements of the federal Americans with Disabilities Act of 1990 or
35 that obstruct current or future municipal infrastructure.

36 By December 6, 2023, the Public Utilities Commission shall submit a report to the
37 Joint Standing Committee on Energy, Utilities and Technology describing the findings of
38 the study and any recommendations, including proposed legislation, resulting from the
39 study. After reviewing the report, the joint standing committee may report out legislation
40 relating to the report to the Second Regular Session of the 131st Legislature.

1 **SUMMARY**

2 This bill requires the Public Utilities Commission to adopt rules establishing a process
3 by which joint use rates are required to be reduced or capped and attachment time frames
4 are regulated by the commission to encourage community broadband systems.

5 The bill also requires the commission, in consultation with the Maine Connectivity
6 Authority, to study the methods of promoting municipal broadband expansion, either
7 through public networks or public-private partnerships, through a limited-period reduction
8 in utility pole attachment rates for broadband providers that agree to deliver new high-
9 speed Internet service at affordable rates. The study must also include an examination of
10 wait times for new pole attachments, an assessment regarding the preservation of common
11 space on utility poles and an assessment of the effectiveness of the commission's
12 enforcement practices related to the relocation or removal of utility poles. The bill requires
13 the commission to submit a report to the Joint Standing Committee on Energy, Utilities and
14 Technology by December 6, 2023 and the joint standing committee is authorized to report
15 out legislation related to the report to the Second Regular Session of the 131st Legislature.