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No. 933

H.P. 689

House of Representatives, March 8, 2021

**An Act To Facilitate the Expansion of Broadband to Unserved
Areas of the State**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BERRY of Bowdoinham.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** many residents of rural Maine lack access to affordable, high-speed Internet
4 service; and

5 **Whereas,** the global pandemic caused by the novel coronavirus disease, COVID-19,
6 has revealed and exacerbated the inequalities of the digital divide in Maine;

7 **Whereas,** utility pole attachment rates and utility pole rental rates in unserved areas
8 in Maine comprise between 25% and 40% of the cost of expanding fiber-optic lines to those
9 areas; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

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

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

17 **4. Rules.** The commission shall adopt rules governing the resolution of pole
18 attachment disputes and the rates, terms and conditions of joint use. The rules must promote
19 competition, further the state broadband policy set forth in section 9202-A and ensure safe,
20 nondiscriminatory access on just and reasonable terms. The rules must also include a
21 process for ensuring that a new joint use entity seeking access to the poles, ducts, conduits
22 or rights-of-way of another joint use entity meets the requirements of subsection 1,
23 paragraph D. The rules may include establishment of a mechanism or process by which
24 joint use rates in unserved areas of the State are required to be reduced or capped in a
25 manner designed to encourage broadband expansion in those unserved areas and joint use
26 rates in areas of the State that are not unserved areas are required to be increased. In
27 establishing rates, the commission shall consider various formulas, including, but not
28 limited to, the formula adopted by the Federal Communications Commission as codified in
29 47 Code of Federal Regulations, Part 1, Subpart J, as amended. Rules adopted or amended
30 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
31 subchapter 2-A.

32 **Sec. 2. Public Utilities Commission; study.** The Public Utilities Commission, in
33 consultation with the ConnectMaine Authority, shall study methods of promoting
34 broadband expansion in unserved areas of the State through a limited-period reduction in
35 utility pole attachment rates for broadband providers that agree to deliver new high-speed
36 Internet service in those unserved areas in conjunction with a limited-period increase in
37 utility pole attachment rates in areas of the State that are not unserved areas. The study
38 must involve, but is not limited to, a review of the so-called "One Buck Deal" financial
39 incentive program implemented by the Georgia Public Service Commission. As used in
40 this section, "unserved areas" means those areas defined by rule by the ConnectMaine
41 Authority pursuant to the Maine Revised Statutes, Title 35-A, section 9204-A, subsection
42 1.

