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Chairman Lawrence, Chairman Berry and Members of the Energy, Utilities and Technology Committee,

The Office of the Public Advocate (“OPA”) testifies in support of LD 1371 “An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators” which extends cable television service to rural areas by requiring all cable television franchises to provide line extensions with a minimum homes-per-mile requirement not to exceed 15 homes per mile.

The bill prohibits automatic franchise renewals beyond the initial term of the franchise renewal period, except for automatic franchise renewals in effect on the effective date of this legislation, which require advance notification of expiration from the cable system operator to the municipality. A cable system operator may not refuse to provide the municipality with required information to complete the renewal process.

The bill prohibits a cable system operator from modifying or amending the State's model franchise agreement without the consent of the municipality as arrived at during negotiations.

The bill includes provisions for the use and support of public, educational and governmental access channels and requires that these channels be placed in the same numerical sequence location as the local commercial network broadcast channels. The bill also requires all cable system operators in the State to carry public, educational and

governmental access channels on the basic cable or video service offerings or tiers and specifies that the channels may not be separated or moved numerically from other channels carried on the basic cable or video service offerings or tiers without the agreement of the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels, unless the change is required by federal law. In the event of transfer of the franchise license, the same channel numbers used by the incumbent cable system operator must be retained. The bill provides that any public, educational or governmental access channel that has been moved within the 24 months preceding the effective date of this legislation and without the consent of the originator must be restored within 60 days to its original location and number.

The bill requires all cable system operators in the State to work with the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels to ensure that the signal sent from the point of origination to the cable system operator and delivered to the cable subscriber is of the same quality and format as originally created. A cable system operator is required to set up a toll-free telephone number for requests to resolve a signal quality problem.

The bill requires all cable system operators in the State to provide the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels access to the entity that controls the electronic program guides in the same manner as the local broadcast channels if requested by the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels. In addition, if channels are selected through a menu system, public, educational and governmental access channel

designations must be displayed in a similar manner as local broadcast channel designations on the electronic program guide are displayed.

LD 1371 would make a lot of changes to the way that cable companies operate in Maine. Many municipalities have very old franchise agreements with the cable companies which result in an imbalance of power. This bill would go a long way towards tipping the balance of power back to the towns. Cable is one of the few viable options for telecommunications and high-speed internet in Maine and the OPA supports legislation that would make access to cable services more available and affordable. As the OPA has stated in the past when discussing the topic of cable television, we have heard from many consumers who are frustrated with the high price and inflexibility of offerings by cable companies. Giving municipalities the ability to obtain better terms would be favorable for customers.

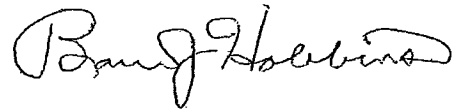
A primary goal of this bill is to require the cable companies to allow municipalities to retain their low number channels for local access, which are channels that are easily accessible to users and allow them to watch town government meetings, local sporting events or local cable shows. Apparently, some cable companies have moved these local cable channels to the 1300 range where users, depending on their cable subscriptions, cannot access or easily locate them. This bill would stop that practice which is beneficial to customers.

Another component of this bill would compel the cable companies to provide service in areas of the town that have very low density (15 homes per mile). The cable companies argue that they cannot make sufficient money in these low-density areas to justify the expense of installing the cable facilities. As stated above, cable is a viable option of providing telecommunications and internet services to hard to reach areas of Maine. The OPA generally supports efforts to encourage installation in these low-density neighborhoods just as the OPA has supported other efforts to expand

broadband coverage for remote areas of the state.

Thank you for your time, attention and consideration of this testimony. The Office of the Public Advocate looks forward to working with the Committee on LD 1371, and will be present at the work session to assist the Committee in its consideration of this bill.

Respectfully submitted,



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Public Advocate