
TELECOMMUNICATIONS ASSOCIATION OF MAINE

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Senator Mark Lawrence, Senate Chair
Representative Seth Berry, House Chair
Members of the Energy, Utilities and Technology Committee
129th Maine Legislature
100 State House Station
Augusta, ME 04333

**RE: LD 68, An Act To Improve the Record Keeping of the Public Utilities
Commission**

The Telecommunications Association of Maine (TAM) offers the following testimony Neither For Nor Against LD 68, "An Act To Improve the Record Keeping of the Public Utilities Commission".

This legislation appears designed to do two things. First, it directs the Commission to maintain permanent records of all proceedings, including complaints. Second, it directs the Commission to re-create the records of any past proceedings, including complaints, to the extent information is available. As part of the obligation to re-create past proceedings, the Commission would be tasked with directing companies to provide information they have concerning those past proceedings. TAM's members are all regulated utilities with a history that stretches back to the creation of the Commission. As such, TAM's members may well be called upon under this legislation to assist in re-creating the record for past proceedings.

TAM is not concerned with circumstances where the information is readily available. In those circumstances, TAM's members will certainly provide the available information. The concern TAM has relates to the open-ended nature of the legislation. TAM's members do not retain records indefinitely. Some information, such as call use data, has specific retention time frames set by the FCC. In addition, the Commission Rules and practice have typically encouraged companies to keep data for 6 years. Beyond that, it would be difficult for companies to attempt to re-create data for past proceedings. However, it is technically possible that some old documents could still exist, so under the sweeping language of the bill TAM members could be required to expend resources trying to confirm that no relevant documents exist for old proceedings.

If the Committee decides to support this legislation, TAM would request that the language of the bill be amended to place some limitations on the open-ended nature of the obligations on parties to past proceedings. Specifically, TAM would recommend placing a time limitation on how far back a request could reach, such as 6 years. In addition, TAM would recommend adding language to clarify that participants in past proceedings are only required to provide records to the extent that are readily available using reasonable levels of efforts.

Sincerely,



Benjamin M. Sanborn, Esq.
Telecommunications Association of Maine