

May 23rd, 2023

Senator Mark Lawrence, Senate Chair
Representative Paige Zeigler, House Chair
Joint Standing Committee on Energy, Utilities, and Technology
100 State House Station
Augusta, Maine 04333

RE: MSCC testimony in opposition to L.D. 1932, An Act to Require Broadband Internet Access Service Providers to Prorate Customer Bills

Senator Lawrence, Representative Zeigler, and members of the Energy, Utilities, and Technology Committee:

My name is Ben Lucas, I live in Portland, and I represent the Maine State Chamber of Commerce. The Chamber is the voice of Maine business, speaking for approximately 5,000 Maine businesses of all sizes throughout the State. The Maine State Chamber of Commerce is testifying in opposition to L.D. 1932.

We have three main points we would like to make regarding our concerns with L.D. 1932:

1. We expressed similar concerns with a bill this committee heard earlier this year, which was L.D. 1167. This looks like a solution in search of a problem, and we believe the state should let businesses run their businesses the way they see fit, not create a uniform policy that all companies must follow. Some providers prorate, and others don't, we have the confidence in the companies and customers to make those decisions rather than the government doing so. Additionally, this is a very competitive market. Companies adopt different policies and work hard to relay that information to the customer, so they know what their options are and choose a provider and plan that best suits their needs.
2. The outage credit for an outage more than 6-hours is very problematic from a provider perspective. When there is an outage, there are some things that are simply out of their control, and 6 hours is not a long period of time. Most broadband providers typically wait until power is restored from a safety perspective and most outages have nothing to do with how well a provider maintains their network. They are caused by things like a storm or car accident.
3. We believe there is a strong case to be made for federal preemption. I know this is something that the committee discussed at length on the last bill. This is a complex topic and given the amount of time needed to examine a number of issues including preemption, if there is not a willingness to reject it outright, we believe the committee should give strong consideration to carrying this legislation over and allowing work to continue on this issue.