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ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 732, L.D. 1063, Bill, "An Act To Promote Community Broadband Planning and Strengthen Economic Opportunity throughout Maine"

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 35-A MRSA §9202, sub-§5, as enacted by PL 2005, c. 665, §3, is amended to read:

5. Unserved or underserved area. "Unserved or underserved area" means an area that the authority pursuant to section 9204 9204-A, subsection 2, paragraph B 1 determines to meet criteria established by the authority by rule adopted pursuant to section 9205, subsection 3 in accordance with section 9204, subsection 1.'

Amend the bill in section 7 in §9204-A by striking out all of subsection 4 (page 3, lines 12 to 16 in L.D.) and inserting the following:

4. Support broadband investment. The authority shall expand the availability of broadband service to residential and small business customers in unserved or underserved areas by identifying, developing and providing funding for broadband investments in unserved and underserved communities. Such investments may include infrastructure that is used by a single provider or by multiple providers.'

Amend the bill in section 7 in §9204-A in subsection 8 in the 6th line (page 3, line 36 in L.D.) by inserting after the following: "period." the following: 'When providing grants, direct investment or loans for broadband infrastructure investments, the authority shall give preference to those investments that provide the greatest relative improvement to existing broadband service in an unserved or underserved area.'

Amend the bill by striking out all of section 10.

Amend the bill in section 12 by striking out all of §9217 and inserting the following:

COMMITTEE AMENDMENT

1 **'§9217. Community broadband planning**

2 The authority shall provide funds for broadband planning grants to municipalities,
3 groups of municipalities or nonprofit local or regional community organizations that are
4 providing local or regional economic development programs to develop plans to expand
5 the availability of broadband services in unserved and underserved areas.

6 **1. Requirements of plans.** Plans funded through grants under this section must:

7 A. Define local broadband needs and goals;

8 B. Inventory existing broadband infrastructure assets within the municipality,
9 municipalities or region;

10 C. Include a gap analysis defining the additional broadband infrastructure necessary
11 to meet identified needs and goals;

12 D. Include one or more potential network designs, cost estimates, operating models
13 and potential business models based on input from broadband providers operating
14 within the municipality, municipalities or region and any other parties that submit a
15 network design solution in the course of developing the plan to address any
16 broadband gaps identified in paragraph C; and

17 E. Include an assessment of all municipal procedures, policies, rules and ordinances
18 that have the effect of delaying or increasing the cost of broadband infrastructure
19 deployment.

20 The authority shall make all plans developed using grant funds under this section
21 available on the authority's publicly accessible website.

22 **2. Distribution of grants.** The authority shall ensure that planning grants under this
23 section are equitably distributed throughout the unserved and underserved areas of the
24 State and that the grants encourage collaboration between multiple communities.

25 **3. Precertification.** The authority may establish a precertification process to
26 determine eligibility for planning grants under this section to encourage adoption of
27 identified best practices by participating municipalities and organizations.

28 **4. Limitations on matching funds.** Matching funds provided by a municipality for
29 planning grants under this section may not consist of in-kind contributions from the
30 municipality or funds provided by a vendor or private business that proposes to build,
31 operate or provide retail services using broadband infrastructure constructed pursuant to
32 the planning grant.'

33 Amend the bill in section 13 in the first and 2nd lines (page 5, lines 25 and 26 in
34 L.D.) by striking out the following: "December 31, 2015" and inserting the following:
35 'February 15, 2016'

36 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
37 section number to read consecutively.

38 **SUMMARY**

39 This amendment does the following.

1 1. It removes the expansion of the contribution base of entities paying into the
2 ConnectME Fund by removing changes to the definitions of "communications service"
3 and "communications service provider" and by retaining a provision of current law,
4 proposed to be eliminated in the bill, that allows certain wireless voice or data retail
5 service providers to agree to be assessed as communications service providers.

6 2. It removes the requirement that broadband investments funded by the ConnectME
7 Authority must benefit multiple communities and specifies that infrastructure investments
8 may be capable of being used either by a single provider or by multiple providers.

9 3. It directs the ConnectME Authority to give preference when supporting broadband
10 infrastructure to investments that provide the greatest relative improvement to existing
11 broadband service in an unserved or underserved area.

12 4. It removes the eligibility of private or public organizations for community
13 broadband planning grants and makes nonprofit local or regional community
14 organizations that are providing local or regional economic development programs
15 eligible for those grants.

16 5. It requires that plans funded through grants include one or more potential network
17 designs, cost estimates, operating models and potential business models based on input
18 from broadband providers and any other parties that submit a design solution in the
19 course of plan development.

20 6. It requires the ConnectME Authority to ensure that grants are equitably distributed
21 throughout the unserved and underserved areas of the State and that the grants encourage
22 collaboration between multiple communities, but removes the requirement in the bill that
23 the authority adopt rules for these purposes.

24 7. It specifies that matching funds for broadband planning grants may not consist of
25 in-kind contributions from the municipality or a party with a financial interest in a
26 broadband infrastructure project that would be constructed pursuant to a planning grant.

27 8. It extends the date for the ConnectME Authority's triennial plan submission from
28 December 31, 2015 to February 15, 2016.