

Testimony in Support of LD 1456, April 17, 2023

"Resolve, to Study the Effect of Current Laws and Rules on the Expansion of Broadband"

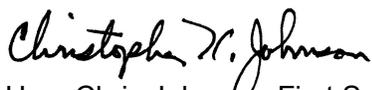
Good afternoon Senator Lawrence, Representative Zeigler and members of the Energy, Utilities, and Technology Committee. I am Chris Johnson, providing testimony solely in the role of First Select Board Member of the Town of Somerville and based on those experiences, and not in any other capacity. I support LD 1456 with Senator Grahoski's proposed amendment.

The process for gaining authorization to attach broadband cables to shared use poles is poorly documented and rather opaque. Each pole owner has different pole attachment agreement terms, and some of the standard business practices are burdensome for new pole attachers, particularly for small municipalities.

Somerville has just received our first fully executed Pole Attachment Agreement yesterday from CMP, and I hope the signed agreement with consolidated will also be returned shortly with their signatures. It has taken many months for Somerville to negotiate terms. First, Consolidated would not provide a draft agreement until Somerville would provide proof of \$5,000,000 worth of General Liability insurance and a \$300,000 line of credit. We obtained authorization from townspeople for the line of credit because potential long term borrowing requires a Town vote, and obtained one. If the agreement were entirely satisfactory and executed immediately one could expect a month of pole survey and six months or more of make-ready work before we could have all the authorizations in hand to put up new fiber optic trunk cables on roads. You cannot start early by putting up the cable and just skipping not yet authorized poles. I've heard of make-ready taking 10 months or more on some municipal projects. We learned that the annual cost of \$5M GL insurance was more than double the cost of anticipated annual fees for the attachments themselves. We pushed back about having to purchase costly insurance seven months to a year before there is anything to ensure, and eventually Consolidated provided a draft agreement. Upon reading it we learned the \$300,000 line of credit was meant to be an irrevocable line of credit based on Consolidated's chart. Yet CMP's agreement uses a formula of \$20/pole which comes to roughly a \$16,000 surety. It took time, but Consolidated did eventually agree to approximately the CMP formula for the amount of surety.

And so the Pole Attachment Agreement negotiations began. One agreement draft exchange took 8 weeks to receive a response or even acknowledgement of receipt, in spite of multiple voicemail and email messages.

Both CMP and Consolidated prefer that surety and insurance are provided before we apply for any pole attachments under these agreements. I've pointed out that this is costly (particularly since the insurance rate for the project construction phase approximately doubled this January) and there is no conceivable use for surety or insurance until we start pole attachment work. I hope to hear this week that Consolidated and CMP are willing to agree that we must provide proof of insurance before we start pole work, and needn't do so before we apply for pole attachments. The process is full of such complications and impediments and deserves study.



Hon. Chris Johnson, First Selectman, Town of Somerville.