



Testimony in Opposition to LD 1223

" An Act to Clarify Cost Allocations and Insurance in the Joint Use of Public Utility Equipment (as amended)"

May 9, 2023

Senator Lawrence, Representative Zeigler, and members of the Joint Standing Committee on Energy, Utilities, and Technology, my name is Simon Thorne and I am here today on behalf of Consolidated Communications in opposition to LD 1223, "An Act to Clarify Cost Allocations and Insurance in the Joint Use of Public Utility Equipment (as amended)."

Performing work on poles can be dangerous work. Pole work involves work high in the air with hazards present as well as the presence of high voltage lines. It requires significant attention to detail and safety protocols and has significant risk to both human life and property. Due to the nature of this work, pole owners require specific insurance coverage for any party wishing to attach or perform work on utility poles. This is meant to protect the attaching party as well as the pole owner and other attachers on the pole.

While Consolidated Communications supports the expansion of broadband and strives to facilitate efficient pole attachments, LD 1223 would allow one class of attachers to transfer risk from themselves to the pole owning utilities. It could leave potentially serious gaps in coverage and in the event of a serious accident leave claims unsatisfied, which means either the claimants may not fully recover losses at the hands of the municipal entities seeking to provide broadband or cause a claimant to seek recovery from the pole owning utility for the significant deficiency of appropriate insurance coverage for municipalities and their private contractors in lieu of a reliance on §8105 and §8103 of Title 14. These statutory provisions do not anticipate the significant risk to human health or property that is associated with the pole-attachment process.

Functionally, this bill transfers liability from the municipalities doing the work to pole owning utilities. This shift of responsibility could have the effect of increasing costs to all rate payers verses the companies that actually have control over the performance of the work. This is not good policy. Making all rate payers in Maine responsible for acts or omissions of certain parties is an inappropriate risk and ultimately a cost shift. All attaching entities that take on the risk involved with work on poles should carry an appropriate amount of insurance to ensure that the company actually liable for any action pays for such potential negligence.

Consolidated Communications believes that both the network owner (the municipality) as well as the attaching party (the contractor) should be required to obtain the requisite amount of insurance coverage necessary to cover the potential risks of the pole-attachment process. Shifting this obligation

from the municipality to a contractor in reliance of these two provisions in Title 14 only shifts the cost; it does not extinguish the liability of a municipal party during this process.

For these reasons, we would urge the committee to vote ought not to pass. We would be pleased to provide more information at the work session upon your request. Thank you for your consideration.