

Testimony of Consolidated Communications

Before

The Joint Standing Committee on Energy, Utilities and Technology

**LD 1456- An Act to Study Laws and Rules on the expansion of
Broadband**

**AmendResolve, to Study the Effect of Current Laws and Rules on the
Expansion of Broadband**

April 18, 2023

Good Afternoon, Chairman Lawrence, Chairman Ziegler, and distinguished members of the Joint Standing Committee on Energy Utilities and Technology. My name is Sarah Davis and I am the Vice President of Government Affairs for Consolidated Communications. On behalf of Consolidated Communications, I'm here today to offer the following comments in Opposition to LD 1536, An Act to Study Laws and Rules on the expansion of Broadband and the proposed amendment which changes the title to a Resolve to Study the Effect of Current Laws and Rules on the Expansion of Broadband.

Consolidated Communications strongly supports the expansion of broadband service throughout Maine. Consolidated Communications has fiber to the premise broadband service available to more Mainers than any other provider in the state, and by a significant margin. Consolidated has expanded broadband services to more than 150,000 Mainers in the past 18 months. Consolidated has invested hundreds of millions of dollars in that expansion. Consolidated Communications is actively engaged in public private partnerships with many municipalities throughout the state and is a partner with the MCA on many private/public broadband projects, the most significant of which, Consolidated Communications' portion of the Mountains to Sea broadband expansion project, is slated to be construction complete in the next 60 days.

While Consolidated Communications is not typically against resolves to commission studies, this particular resolve and study is not appropriate at this juncture. The Public Utilities Commission has been working on pole attachment rulemaking issues for over 5 years. Those rulemakings have implemented a number of changes to the pole attachment regime. The most recent order out of the Commission, closed the rulemaking in recognition of the implementation of Joint Notification System, that will be implemented in the coming months to allow pole owners and pole attachers the ability to receive notifications when it is their turn to complete make-ready. Consolidated believes this was the most needed change to the pole attachment process to ensure that all parties on a pole receive notification when they are the

next to perform make-ready. The coordination of all parties on the pole is the most significant hurdle to timely make-ready performance as well as the removal of dual poles.

Consolidated has had recent experience in two projects that were outside its current footprint to test the pole attachment process from the attachment, as opposed to the pole owner, perspective. In each instance it was the coordination of not only the pole owners, but the multiple attachers that has significantly slowed the projects. In one case for more than a year. Consolidated believes this would all have been avoided through the use of the Alden One joint notification system which would have allowed each party to receive timely notification and forced those parties to comply with the make-ready timeframes. In the event they did not comply, the system would provide the evidence that they were in fact notified of the need to move and provide a vehicle for forcing the move in the event the attachers did not respond.

Currently, the pole owners are in the process of performing the surveys necessary to ensure the information regarding the location of attachments on poles in the joint notification system is accurate, so that that the correct attachers are notified on the correct pole when it is their turn to move. Following that survey, the system will be implemented. It is Consolidated's view that studying this issue prior to the implementation of the Alden One system will not produce a useful result, because it will tell the Commission what it already knows, namely that the coordination of the multiple parties on poles significantly slows the process for make-ready and that the Commission has very little ability to enforce any penalty on a company for failure to meet the Commission set timeframes without any evidence of which party is actually delaying make-ready and when (or even if) they were ever notified it was their turn to move.

Pole attachment is an expensive and time consuming process. The issues surrounding timely pole attachments are not unique to Maine. There are disputes about pole attachments all over the country. Simply because it is a slow a process is more likely a function of the what is required and not some failure of the system. Studying this process for further improvements may make sense, but that study should occur following the implementation of joint notification system. At that time the Commission can have better sense of the impact that system has on pole attachment processes. In the interim, pole owners and attachers should be focused on completing the survey, implementing the system and building broadband networks. Spending money and resources studying Laws and Rules that have been worked on for the last 5 years is not a good use of state or utility resources prior to the implementation of the systems aimed to alleviate some of the problems.

With that, I welcome any questions, now and at the work session.