



STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

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## **Testimony of the Maine Public Utilities Commission**

### **Neither for Nor Against**

### **LD 1456, An Act to Facilitate the Expansion of Broadband**

April 18, 2023

Senator Lawrence, Representative Zeigler, and Distinguished Members of the Joint Standing Committee on Energy, Utilities, and Technology (Committee), my name is Deirdre Schneider, testifying neither for nor against the sponsor's amendment to LD 1456, An Act to Facilitate the Expansion of Broadband on behalf of the Maine Public Utilities Commission (Commission).

The sponsor's amendment to LD 1465 requires the Commission in consultation with the Maine Connectivity Authority to study current pole attachment laws and rules and the effects of those laws and rules on municipal broadband expansion. The amendment contains three specific components to be incorporated in the study and requires a report be submitted to the Committee by December 6, 2023.

In 2017 the Commission identified that its rules for pole attachments, Chapter 880, were last amended before the deregulation of the phone industry and the significant expansion of the number entities requiring access to poles due to the proliferation of cable television and broadband services. Increased requests by attaching entities had greatly stressed the existing policies and procedures for gaining access to poles. The Commission began updating and modernizing Chapter 880 in 2018. These rule updates include:

- Adopting the FCC rate formula as presumptive pole attachment charges while leaving pole owners and attachers free to negotiate rates;
- Defining reasonable terms and conditions for attachments;
- Including the municipal exemption for make-ready charges found in statute;
- Adopting "one touch make-ready" which allows the attaching entity to move other company's attachments when make-ready work is straight forward;
- Addressing abandoned poles and codifying the deadlines for their removal; and
- Modifying the requirements for the timely identification and removal of abandoned poles.

Currently, the Commission is conducting a rulemaking proceeding regarding Chapter 880 to require all attaching entities to utilize a new electronic pole attachment management system (Alden One) currently being implemented by Central Maine Power to be used by all of Maine's major pole owners and attachers. Alden One will replace the existing paper application process with a modern online process to speed up the application and application review processes. It will also include a database of all poles in the major pole owner's territories (about 95% of all poles in Maine) and the existing attachments on each pole, which will greatly decrease the time and expense of planning attachment projects referred to as

survey work. Alden One should also help identify abandoned poles and facilitate the planning of their removal in a more efficient and expeditious manner.

With the updates to Chapter 880 and the implementation of the pole attachment management system, the Commission, pole owners and attaching entities have worked together to streamline the pole attachment process and make Maine a leader nationally regarding pole attachment regulations. The Commission anticipates being able to evaluate the effectiveness of these changes after full use of Alden One management system is achieved.

Due to this ongoing work, it may be more meaningful to submit the report required by the sponsor's amendment in December of 2024. The extra time will allow for the full implementation of Alden One and will the necessary time to more effectively analyze the required components of the study. It will also allow the Commission time to properly assess the effectiveness of the rule changes and online management system and its utilization by pole owners and attachers.

Lastly, the Commission is unclear what the second component of the study is specifically requiring. The Commission is not aware of any state law or rule that requires the preservation of common space. While the term "common space" is defined in Chapter 880, it is not a mechanism to preserve space on a pole for future use. It would be helpful to have more clarity on what is intended by this provision to ensure that the study appropriately addresses this subject matter if this bill is enacted.

I would be happy to answer any questions or provide additional information for the work session.