



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Philip L. Bartlett, II
CHAIRMAN

Patrick Scully
Carolyn C. Gilbert
COMMISSIONERS

Harry Lanphear
ADMINISTRATIVE DIRECTOR

Testimony of the Maine Public Utilities Commission
Neither For Nor Against
LD 240, An Act To Expand Broadband Internet Access Choice

January 9, 2024

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 240, An Act To Expand Broadband Internet Access Choice on behalf of the Public Utilities Commission (Commission).

The Commission has no comment on the policy proposed in LD 240; however, we have concerns with the role of the Commission in the implementation and enforcement of this policy. LD 240 creates requirements for landlords, tenants and providers of broadband Internet access regarding access to eligible developments for the purpose of installing wiring to provide broadband service to tenants. It also allows an owner of an eligible development to apply to the Commission for compensation to be paid to that owner by a broadband provider for any taking of property attributable to the provider's installation of wiring. The Commission is also authorized to adopt rules and to assess administrative penalties for violations of these new provisions.

The policy created by LD 240 has no apparent nexus to the Commission's current work. The Commission does not regulate broadband service or landlord-tenant relationships, nor does the Commission have a role in the installation of wiring within existing and newly constructed structures. Furthermore, the determination of just compensation for a taking is often a complicated legal process that could require significant Commission resources. If the Committee is interested in moving this policy forward, the Commission would suggest placing the administration and enforcement of this policy with an entity that is better positioned to do that work.

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