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S.P. 301

In Senate, March 5, 2013

Resolve, To Establish a Working Group To Study Issues Relating to Broadband Infrastructure Deployment

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

MGT

DAREK M. GRANT Secretary of the Senate

Presented by Senator JOHNSON of Lincoln. Cosponsored by Representative THERIAULT of Madawaska and Senators: CLEVELAND of Androscoggin, JACKSON of Aroostook, MAZUREK of Knox, Representative: RUSSELL of Portland.

1 Sec. 1. Working group to study issues relating to broadband infrastructure deployment. Resolved: That the ConnectME Authority, established 2 in the Maine Revised Statutes, Title 35-A, section 9203 and referred to in this resolve as 3 4 "the authority," shall convene a working group to identify technical, legal, funding and jurisdictional challenges to the deployment of broadband conduit for fiber-optic 5 6 communications and to develop solutions necessary to achieve and facilitate the 7 deployment of broadband infrastructure. The working group shall consider access to 8 public facilities and rights-of-way for broadband conduit installation, particularly as 9 rights-of-way are disturbed for infrastructure projects, including, but not limited to, road and bridge construction, reconstruction and maintenance. The working group shall 10 develop policies focused on increasing coordination between government agencies, 11 12 including, but not limited to, state and municipal entities, and utility companies to decrease the frequency of highway excavation while expanding broadband capacity in the 13 14 State: and be it further

- 15 Sec. 2. Participants. Resolved: That the authority shall invite the following to
 16 participate in the working group:
- 17 1. The chair of the Public Utilities Commission or the chair's designee;
- 18 2. The Chief Information Officer within the Department of Administrative and
 19 Financial Services or the officer's designee;
- 3. The Commissioner of Economic and Community Development or the
 commissioner's designee;
- 22 4. The Commissioner of Transportation or the commissioner's designee;
- 5. The executive director of the Maine Turnpike Authority or the executive
 director's designee;
- 6. A member of the public with significant knowledge of communications
 technology;
- 27 7. A representative of the Maine School and Library Network;
- 28 8. A representative of the Maine Municipal Association; and
- 29 9. Other parties at the discretion of the authority; and be it further
- 30 Sec. 3. Duties. Resolved: That the duties of the working group are as follows:
- 31 1. To review the so-called federal dig once policy;
- 32 2. To review other states' experiences and strategies relating to broadband
 33 infrastructure deployment, including the so-called dig once policies in other states;
- 34 3. To review state laws and rules and agency policies relating to highway and bridge
 35 construction and reconstruction and utility accommodation, including an evaluation of the
 36 feasibility and need for broadband conduit as part of the highway construction process;

- 1 4. To consider right-of-way issues, including management of right-of-way access;
- 2 5. To consider administrative issues, including ownership of conduit and 3 procurement;
- 4 6. To consider funding models for the installation and maintenance of broadband 5 conduit;

6 7. To consider the allocation and use of conduit capacity on an open-access, 7 nondiscriminatory basis so that any financially responsible entity, including an 8 institutional customer, telecommunications provider or Internet service provider, may 9 lease fiber-optic cable along a route with the intent that all users have access at the same 10 pricing structure and for substantially similar terms and conditions relative to their use of 11 the network;

12 8. To identify road and bridge construction funding for broadband conduit13 installation; and

9. To explore the feasibility of incorporating a statewide broadband infrastructure plan to ensure that the State makes informed and knowledgeable decisions on a per project basis regarding whether installing conduit in the right-of-way of the project path affords reasonable potential benefit to expand broadband capacity and availability in the State; and be it further

19 Sec. 4. Report. Resolved: That, by February 1, 2014, the authority shall submit a 20 written report of the findings of the working group under this resolve and any 21 recommendations, including suggested legislation, to the Joint Standing Committee on 22 Energy, Utilities and Technology and the Joint Standing Committee on Transportation. The Joint Standing Committee on Energy, Utilities and Technology and the Joint 23 24 Standing Committee on Transportation may individually or jointly submit a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the 25 26 report.

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SUMMARY

28 This resolve directs the ConnectME Authority to establish a working group to 29 identify technical, legal, funding and jurisdictional challenges to the deployment of broadband conduit for fiber-optic communications and to develop solutions necessary to 30 31 achieve and facilitate the deployment of broadband infrastructure. The resolve directs the authority to submit a written report of findings and recommendations to the Joint 32 33 Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Transportation no later than February 1, 2014. The resolve gives the Joint 34 35 Standing Committee on Energy, Utilities and Technology and the Joint Standing 36 Committee on Transportation authority to submit either individually or jointly a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the 37 38 report.