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No. 1472

H.P. 1011

House of Representatives, April 18, 2017

An Act To Lower the Costs of Broadband Service by Coordinating the Installation of Broadband Infrastructure

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

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative McLEAN of Gorham.

2	Sec. 1. 35-A MRSA §9204-A, sub-§9 is enacted to read:
3 4	9. Broadband infrastructure coordination. The authority shall carry out the duties under section 9219, subsections 4 and 5.
5	Sec. 2. 35-A MRSA §9219 is enacted to read:
6	§9219. Broadband infrastructure coordination
7 8	1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.
9 10 11	A. "Broadband conduit" means a conduit or pipe containing microduct or innerduct for fiber-optic or other cables that support broadband and wireless facilities for broadband service.
12 13 14 15	B. "Broadband service" means a service that provides access to the Internet, computer processing, information storage or protocol conversion at a rate of at least 10 megabits per second in both the upstream and downstream directions, as established by the Federal Communications Commission.
16 17 18 19	C. "Cost-based rate" means a lease rate that consists only of direct costs and actual associated indirect costs of obtaining and maintaining the broadband conduit and any associated right-of-way, with these costs equitably allocated among users of the broadband conduit and associated right-of-way.
20 21	D. "Covered construction project" means a project that receives state, local or federal funding and is a project to:
22 23	(1) Construct new or replace existing water or sewer lines in the right-of-way of a highway or public road;
24	(2) Construct a new highway or public road; or
25 26	(3) Construct or relocate an additional lane or shoulder for an existing highway or public road.
27 28	E. "Eligible telecommunications carrier" has the meaning provided by the commission by rule.
29 30	F. "Innerduct" means a structure placed within a conduit to facilitate placement of multiple cables in a single conduit.
31	G. "Microduct" means a small innerduct.
32 33	H. "Provider" means an entity that provides for the sale or resale of wholesale or retail broadband services in this State and that:
34	(1) Is an eligible telecommunications carrier;
35	(2) Meets Federal Communications Commission guidelines; or

Be it enacted by the People of the State of Maine as follows:

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- 1 (3) Is a political subdivision that has statutory authority to provide communications services.
 - I. "Public entity" means the State or a local government or any department, agency, special purpose district or other instrumentality of the State or a local government.
 - 2. Requirement to install broadband. A public entity constructing or causing to be constructed a covered construction project shall install or cause to be installed a broadband conduit as part of the covered construction project.
 - 3. Leasing conduit. A public entity that constructs or causes to be constructed a covered construction project may lease the broadband conduit installed under subsection 2 at a cost-based rate to providers to install fiber-optic or other cables that support broadband and wireless facilities for broadband service.
 - 4. Technical and educational assistance. The authority shall identify public entities that construct or cause to be constructed covered construction projects and, in collaboration with the Department of Transportation, provide technical and educational assistance relating to the requirements of this section to those public entities. The technical and educational assistance may include, but is not limited to, evaluating engineering design standards and criteria for contracts and lease agreements.
 - 5. Mapping. The authority shall maintain a map of broadband conduit installation in the State.

20 SUMMARY

This bill requires public entities constructing or causing to be constructed certain construction projects to install or cause to be installed broadband conduit as part of the construction project. Construction projects covered include projects to construct new or replace existing water or sewer lines in the right-of-way of a highway or public road; to construct a new highway or public road; or to construct or relocate an additional lane or shoulder for an existing highway or public road. The bill authorizes public entities to lease the installed broadband conduit to broadband providers to install fiber-optic or other cables that support broadband and wireless facilities for broadband service. The bill directs the ConnectME Authority, in collaboration with the Department of Transportation, to provide technical and educational assistance and requires the ConnectME Authority to maintain a map of broadband conduit installation in the State.