



Testimony in **partial support** of LD 1791: *"An Act to Make the ConnectMaine Authority Responsible for Attachments to and Joint Use of Utility Poles and to Establish Procedures for Broadband Service Infrastructure Crossing Railroad Tracks."*

Senator Lawrence, Representative Zeigler, and fellow members of the Joint Standing Committee on Energy, Utilities, and Technology.

The Maine Broadband Coalition, which represents thousands of Maine internet users and is backed by dozens of Maine non-profit organizations, economic development organizations, small and medium-sized internet service providers, is in partial support of LD 1791.

Utility pole access is a consistent issue for our member communities and companies. We have heard from town officials from across the state about their struggles to attach broadband equipment to privately-owned utility poles. Addressing the high costs and often significant delays in pole attachment is a priority for our sector, as it is key to both expanding rural access and creating meaningful competition in the market for internet service.

The bill makes three major positions. We oppose one, and support the other two. First, **we oppose the provision that would make MCA the regulator of pole attachments, at least in the short term.**

The pole attachment process appears to require some fixes to make it work as envisioned. A number of pole attachers have expressed to us a reluctance to bring issues to the Public Utilities Commission. This is particularly true for some municipalities, which have limited experience in the process and limited resources to dedicate to it. They fear an unfavorable result from the PUC, or a subtle retaliation from the pole owners with whom they need cooperation, or a costly legal fight which the town cannot afford. After years of uncertainty in this area, the town of Somerville has brought a case against CMP to the PUC (2023-00063), and is currently under review.

We would welcome an assertive, pro-active approach to resolving these disputes, which recognizes the obvious power imbalances between certain pole owners and attachers. Further, broadband infrastructure will be the primary pole attachment activity for years to come. Some members of our coalition believe that a medium to long-term shift of the regulatory authority from the Public Utilities Commission to the Maine Connectivity Authority would achieve this goal.

A study envisioned by a separate bill, LD 1456 will recommend how to streamline pole attachments and ensure our taxpayer-funded investments in broadband are deployed as quickly and efficiently as possible. We request that this study also make recommendations on the right agency and staffing to administer and regulate pole attachments in the long term, based on good practices from other states and countries.

Also, after consulting with our coalition partners, **we support the bill's provisions to regulate make-ready costs and railroad crossings.**

The inclusion of make-ready costs into the purview of the regulator makes sense, and creating consistency across pole owners and attachers will create greater certainty and spur investment in our broadband infrastructure.

Finally, the broadband crossings of railroad rights-of-way this bill seeks to regulate were built over a century ago with massive public funding and guarantees. The lands they sit on should be regulated to ensure they facilitate public benefits for years to come. We are confident that the PUC can adjudicate disputes to ensure fair and safe outcomes for broadband expansion that do not place undue burden on railroad operators.

Thank you for your attention to pole attachments, which has been a critical barrier to expanding high-quality broadband in Maine.

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