

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

S.P. 301 - L.D. 876

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

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

Sec. 2. Participants. Resolved: That the authority shall invite the following to participate in the working group:

1. The chair of the Public Utilities Commission or the chair's designee;
2. The Chief Information Officer within the Department of Administrative and Financial Services or the officer's designee;
3. The Commissioner of Economic and Community Development or the commissioner's designee;
4. The Commissioner of Transportation or the commissioner's designee;
5. The Public Advocate or the Public Advocate's designee;
6. The executive director of the Maine Turnpike Authority or the executive director's designee;

7. A member of the public with significant knowledge of communications technology;
8. A representative of the Maine School and Library Network;
9. A representative of the Maine State Chamber of Commerce;
10. A representative of the Maine Municipal Association; and
11. Other parties at the discretion of the authority; and be it further

Sec. 3. Duties. Resolved: That the duties of the working group are as follows:

1. To review the so-called federal dig once policy;
2. To review other states' experiences and strategies relating to broadband infrastructure deployment, including the so-called dig once policies in other states;
3. To review state laws and rules and agency policies relating to highway, local road and bridge construction and reconstruction and utility accommodation, including an evaluation of the feasibility and need for broadband conduit as part of the highway and local road construction process;
4. To consider right-of-way issues, including management of right-of-way access;
5. To consider administrative issues, including ownership of conduit and procurement;
6. To consider funding models for the installation and maintenance of broadband conduit;
7. To consider the allocation and use of conduit capacity on an open-access, nondiscriminatory basis so that any financially responsible entity, including an institutional customer, telecommunications provider or Internet service provider, may lease fiber-optic cable along a route with the intent that all users have access at the same pricing structure and for substantially similar terms and conditions relative to their use of the network;
8. To collaborate with Internet service providers to consider so-called dig-once policies to encourage build-out to unserved areas;
9. To identify road and bridge construction funding for broadband conduit installation; and
10. 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

Sec. 4. Report. Resolved: That, by February 1, 2014, the authority shall submit a written report of the findings of the working group under this resolve and any recommendations, including suggested legislation, to the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Transportation. The Joint Standing Committee on Energy, Utilities and Technology may submit a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the report. The Joint Standing Committee on Transportation may make recommendations regarding that bill to the Joint Standing Committee on Energy, Utilities and Technology.