



State of Maine  
**Office of the Public Advocate**  
112 State House Station, Augusta, Maine 04333-0112  
(207) 287-2445 (voice) 711 (TTY) [www.Maine.gov/meopa](http://www.Maine.gov/meopa)

Paul R. LePage  
GOVERNOR

Timothy R. Schneider  
PUBLIC ADVOCATE

April 21, 2015

**Office of the Public Advocate Testimony on LD 1063 “An Act to Promote Community Broadband Planning and Strengthen Economic Opportunity throughout Maine”**

Chairman Dion, Chairman Woodsome and Members of the Energy, Utilities and Technology Committee,

The Office of the Public Advocate testifies in strong support of LD 1063, An Act to Promote Community Broadband Planning and Strengthen Economic Opportunity throughout Maine.” The bill lays the groundwork for developing and implementing a long-term effort to improve Maine’s broadband infrastructure.

While others will likely testify on where Maine is at in terms of broadband speeds and availability, I would like to begin my testimony by focusing on where Maine is currently in its broadband policy: specifically, what we do and don’t know.

**We know how to get the level of broadband we have now.**

To get broadband speeds that lag the nation, we can continue to rely solely on private investment from a handful of companies whose business models, by their own admission, do not support broadband investment in rural Maine. For those companies with footprints that extend beyond Maine, their investments in this state will lag those they are making elsewhere.<sup>1</sup>

---

<sup>1</sup> TDS Telecom, a Telephone Association of Maine member, is currently deploying fiber to the home in its service territories in Wisconsin, New Hampshire and Tennessee. See <https://www.tdsfiber.com/where/>. Time Warner Cable is deploying its MAXX upgrades, capable of delivering 300 Mbps down/20 MBps up in Austin, Charlotte, Dallas, Hawaii, Kansas City, Raleigh, San Antonio and San Diego by the end of 2015.

**We know how to extend the level of broadband we have now to the places that don't have it.**

For the last five years, ConnectME has been providing grants to providers to offer broadband in those places that effectively still have dial-up service. Though in recent years, ConnectME has increasingly funded fiber deployments, the vast majority of this investment consisted of DSL and fixed wireless deployments capable of delivering speeds less than the broadband standard adopted by ConnectME. At its current level of funding, it would take ConnectME 50 years to everyone off dial-up speeds. Even assuming that the Authority connected every one of these “last 6%” with fiber to the home, this would mean that in 50 years, 80% of Maine would still have broadband levels that are incapable of providing services needed now.

**We don't know how to get what we don't have now.**

Current law makes it the goal to ensure that “Broadband service [is] universally available in this State, including to all residential and business locations and community anchor institutions in the State” and to develop “A secure, reliable and sustainable forward-looking infrastructure that can meet future broadband needs.” 35-A M.R.S. 9202-A (i.e. existing state broadband policy goals). Most observers agree that we have not achieved these goals.

In January, the ConnectME Authority adopted a forward-looking, technology neutral definition of broadband. The 10 MBps symmetric standard appropriately defined the problem that the Maine faces: under this definition, less than 20% of the state's homes and businesses have access to networks capable of delivering the level of broadband services Maine will need.

This is not a problem that the ConnectME Authority and its existing grant program are structured to solve. Right now there is no credible plan to solve that problem and achieve the state's broadband goals.

## **LD 1063 is the beginning of that plan.**

LD 1063 is an effort to move beyond defining the problem to actually trying to solve it. It takes the groundswell of interest and energy in improving broadband service in Maine and puts it to work in service of achieving that goal. There are many components to the bill, but in this testimony I will focus on the two that I believe are most important:

- 1) The requirement that the ConnectME Authority establish a strategic plan and be held accountable for its progress on that plan; and
- 2) Providing matching funds to support community broadband planning efforts.

All other elements of the bill strengthen and support these two fundamental objectives.

### **Developing a Strategic Plan for Broadband**

The legislation requires the ConnectME Authority to develop a three-year strategic plan for broadband service that includes quantifiable measures of performance, timelines for implementation, and an annual reporting obligation to the Legislature. Maine currently has no broadband plan. However, if this bill is enacted, by the end of the year, it will.

The ConnectME Authority prepared a strategic plan in 2012 that included strategic recommendations and specific action items for the Authority. However, that plan lacked measurable objectives or a formal structure for accountability. As a result, many of the action items and recommendations have languished in the intervening years. The strategic plan proposed by the bill would include measurable benchmarks so the Legislature can hold the Authority accountable for its progress in achieving its goals.

The bill expands membership in the ConnectME Authority to include additional relevant expertise and reflect the additional workload involved in developing and overseeing a strategic plan. (By comparison, the Efficiency Maine Trust Board has nine members). LD 1063 also provides the opportunity for direct public input, eliminating the ConnectME Advisory Council, which has for many years served as an imperfect proxy for public input. Finally, the bill includes statutory changes that expand/stabilize the ConnectME Fund, and

remove arbitrary staffing limitations. These changes would ensure that in developing the strategic plan, the ConnectME Authority has the staffing and resources necessary to achieve its goals.

### **Community Broadband Planning Grants**

Since we don't know how to solve this problem, we're going to need to encourage experimentation. This is already happening in communities across Maine. The planning grants established in the bill would support this experimentation by providing technical support to communities (or groups of communities) so that they can identify their broadband needs, and develop a plan to address those needs. These efforts begin with an inventory of existing broadband infrastructure; so that communities can build on the infrastructure they already have rather than spending public funds to duplicate it. The proposed network designs developed as part of this process can then form the basis for requests for proposals to private entities to expand existing networks or build and operate new ones.

Such planning efforts will translate a community's desire for broadband into an actionable plan, laying the groundwork for public-private partnerships by creating "fundable buckets" for future investment. There are lots of ways to fill these buckets, and given the scale of the problem we have to solve, it cannot all come from the State of Maine and the ConnectME Authority. Funding can and should come from many sources, including private investment, the federal government (*e.g.* USDA, FCC Connect America Fund), local bonding or tax increment finding, charitable foundations, or even large employers who may be willing to contribute to ensure their employees have reliable home broadband connections.

The approach outlined in this bill changes role of the ConnectME Authority -- from primarily a grant-making entity to an entity with primary responsibility for setting and implementing the state's broadband policy, and with a central role in providing technical and financial assistance to local efforts to meet identified broadband needs. While this model is new for broadband, it's not new for infrastructure. This is how rural electrification happened, and how telephone service was brought to rural Maine--places where the

prevailing business models deemed it uneconomic to serve. We are going to solve this problem the way we solved those: town by town, valley by valley, peninsula by peninsula. In doing so, we're going to figure out models that work for the whole state, maybe the whole country.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Timothy R. Schneider". The signature is fluid and cursive, with a large initial "T" and "S".

Timothy R. Schneider  
Public Advocate