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## **Office of the Public Advocate Testimony on LD 1323 “An Act to Expand Rural Broadband”**

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

The Office of the Public Advocate testifies neither for nor against LD 1323, An Act to Expand Rural Broadband. The bulk of the bill’s text relates to municipal bonding authority, which could provide a useful funding mechanism to fill Maine’s broadband investment gap. This testimony focuses instead on the bills’ provisions related to the Maine Universal Service Fund, broadband mapping, and the definition of broadband.

### **Maine Universal Service Fund (MUSF)**

The bill adds “expansion of broadband through use of optical fiber” to the permitted uses of the MUSF. While transitioning MUSF to broadband support, as the federal government has done, may be reasonable, any such transition for Maine should be considered in the context of continued support for basic telephone service throughout the state. Maine currently has a dedicated assessment to promote broadband deployment in the ConnectME Fund. The Legislature could achieve similar goals by expanding the contribution base for the ConnectME fund so that it mirrors the MUSF, to which all providers contribute.

### **Mapping**

Section 6 of the bill appropriately identifies the need for accurate maps that reflect street level broadband availability and speeds. The ConnectME Authority has spent a great

deal of federal money on broadband maps in recent years. However, due to limitations on data collection these maps are at best “directionally accurate” and tend to overstate actual broadband availability in a given area. Specifically, the primary source of data the Authority uses is advertised connection speeds that are self-reported by internet service providers, reported on a census block basis.

In its Broadband Study for the Town of Isleboro, Tilson Technology compared the Authority’s data to the results of online speed tests by actual residents and businesses. Though the Authority’s data suggested 99 percent of the island had access to Tier 6 download speeds (between 25 Mbps and 100 Mbps download), Tilson found just one respondent with a download speed above 8 Mbps. The average download and upload speeds reported on the island were 3.74 Mbps and 0.62 Mbps respectively.<sup>1</sup> The Authority itself recently reached similar conclusions in rejecting a challenge by FairPoint to a proposed grant on Great Diamond Island. Residents provided broadband speed tests demonstrating that their actual broadband speeds were far slower than those indicated by the Authority’s maps.

While improved mapping would provide better information to consumers and policy makers, there is a risk that the Authority spends its time and resources developing ever more detailed and accurate maps, and not expanding the availability of broadband.<sup>2</sup>

## **Definition of Broadband**

As noted in previous testimony, the ConnectME Authority’s existing rules require it to update the definition of broadband on an annual basis, using objective criteria based on specified uses and market analysis. Using this existing process, the Authority adopted a 10 Mbps symmetric standard for broadband in January of this year.

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<sup>1</sup>Isleboro Broadband Study, [http://townofisleboro.com/fileadmin/Committees/other/broadband/Report\\_Islesboro\\_Municipal\\_Broadband\\_Study.pdf](http://townofisleboro.com/fileadmin/Committees/other/broadband/Report_Islesboro_Municipal_Broadband_Study.pdf)

<sup>2</sup> For a more literary description of this problem, see the (one paragraph) Jose Luis Borges short story, *On Exactitude in Science*.

The bill establishes the FCC's definition of broadband as a floor for any state standard, and requires that standard to be symmetric. By its terms, this would appear to require Maine to adopt a 25 Mbps symmetric standard.

We look forward to the opportunity to work with the Committee on this bill, and will be present at the work session.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Timothy R. Schneider".

Timothy R. Schneider  
Public Advocate