

CONNECTMAINE

November Meeting Minutes

8 December 2021

Zoom Link: <https://networkmaine.zoom.us/rec/share/xVGPs3IJtvVTRmPNCqjgxeEztWSPWHg70mGUSkHZzPK6qr4ZYgD-nEwB4llis1L.X7RD0Gdb7mZ40cOv>

Authority Members

Nick Battista, Chair
Jasmine Bishop
Fred Brittain
Susan Corbett
Heather Johnson
Jeff Letourneau
Liz Wyman

Introductions of Members and Staff

Nick Battista, Liz Wyman, Jeff Letourneau, Fred Brittain, Susan Corbett, Jasmine Bishop, Peggy Schaffer and Stephenie MacLagan

Meeting Kickoffs

New positions and transitions—Nick

- Congratulations to Liz for taking on the position as general counsel
- Ben Sanborn has moved onto another position from the Telecommunications Association of Maine
- Andrew Butcher is the acting president for the Maine Connectivity Authority

Chebeague passes warrant article to build community broadband—Nick

- Congratulations to David Hill and others who've worked toward that for a long time

Notes of Last Meeting

Approval of the October minutes: Susan motioned, Fred 2nd, Jeff abstained, 5:0

Review of Operations

Executive Director's Report—Peggy

- Community Broadband Planning Participation & State Conference
Great conference, and presentations are available on the Maine Broadband Coalition website. Community broadband planning has really started to pick up. New federal funds coming increases the importance of communities having a say. In the offing, we're working on developing a set of resources to support communities that choose a pathway of establishing broadband utility districts.

- Updates on federal funds & delayed NTIA decisions affecting our grants program
Something important to watch about will be the federal funds that will be tied to the FCC maps that have yet to be finished and published. While those funds probably won't hit doors until January 2023, there will be about \$150 million to deploy in the meantime. This is part of the backdrop for the memorandum of understanding between ConnectMaine & MCA. NTIA didn't meet their November announcement deadline and now the decisions may not be announced until early January. Having done some thinking on this delay, we can still move forward with our broadband infrastructure grants program on the planned timeline.

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Board Discussion

- Nick: Of the NTIA Grant challenges, it seemed the vast majority were frivolous?

Peggy: Yes, and NTIA has continued to ask for additional information, even over holidays. Of over 1100 census blocks of ours, 340 were challenged; most were erroneous. About 40 census blocks have at least one subscriber location that is unserved, and we're proposing to only serve those unserved, just as NTIA required in the application.

Review of Timelines—Stephenie

- Targeting March for awarding infrastructure grants, before NTIA delay

Would require opening the application window at the late December meeting in January, but we'll have to do more thinking on this given the NTIA delay. Most likely the application window would close in March, but we'll keep moving the timeline as aggressively as we can.

- Targeting February for triennial plan adoption

The draft plan was publicly posted on November 25. Today principles and strategies will be reviewed and voted on to guide collaboration with the Maine Connectivity Authority.

- Targeting the late December meeting in January to confirm un(der)served areas

The Broadband Availability Map was updated by 10.20 based on industry data and grant tracking reports. Today the opportunity to review un(der)served areas is announced, based on the outcome of voting on the reposted rule.

- Targeting today for rule adoption

The rule was reposted on 11.3, and 12.5 was the deadline for public comments. After adoption, once submitted, the state will approve it between 5 and 30 days.

Review of Financials—Stephenie

- Increased assessment revenue

The Administrative and Fund spreadsheets now capture an obligation of the increased revenue from the surcharge being expanded from only landlines in the last two quarters of this fiscal year. It's anticipated that the combined fee and surcharge for FY23 could be as much as \$3 million.

- State financial systems delaying cashflow, e.g., bond funds for infrastructure grants

The infrastructure grants expense line and the bond financial sheet show the delay in flowing bond funds from the state to our Solix-managed account. We found out after-the-fact that DAFS created a dummy contract to allow the cashflow, but since DAFS, Treasury and ConnectMaine all see only their piece of the puzzle and no one sees the whole, the contract was insufficient to continue allowing cashflow beyond the first quarter. We finally found a solution of amending their dummy contract, after much confusion and delay, which continued through the Thanksgiving holiday with one office of DAFS waiting on another office of DAFS. We're doing our best to track down individual staff people to get follow through on state financial systems, and DECD has been very helpful. At least we haven't been getting substantial requests for 2nd quarter disbursements from grant recipients, yet. Another promise that the funds would be triggered to leave the state, yesterday, and it takes 3-8 days for funds to reach the Solix-managed account, so I'll know sometime next week whether or not the funds landed correctly.

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Another recent issue was that DAFS overpaid our auditing firm, and now we're responsible for getting a refund check as quickly as possible so that DAFS can "disencumber" some of the coronavirus relief funds that we didn't even think still existed. Their system for reimbursements requires five state employees, not including ConnectMaine, to complete & confirm the transaction, not to mention the time on the auditor's side. Because there wasn't a separate state contract for the uniform guidance audit on CRF, which was previously approved by DAFS, another office of DAFS is trying to figure out how exactly to accept or apply this refund check. Again, we'll continue to monitor follow through as much as we can. This isn't an action item for the board, but we wanted everyone to be aware of these events.

Governance Updates—Nick & Jasmine

- Review 2020 governance workplan and May 2021 recommendations

These documents were developed previously, and put aside as the Maine Connectivity Authority got set up, and now we're picking them up again as we embark on strategic planning and collaborations with MCA.

- Discuss Vice President position and other activities

Had hoped to get a role description drafted for review, but we can discuss idea of a VP role that would support a variety of governance and organizational development work.

Decisions on Operations

Decision on NECEC Broadband Fund request—Peggy & Nick

- Review the request for funds

Stipulation with the Public Utilities Commission on the New England Clean Energy Corridor project included a Broadband Fund. The fund is now \$2 million, and we obviously don't know whether any additional funds will come or when. Having these funds available helps leverage state funds further.

The Somerset Economic Development Corporation has proposed a project, using funds for make-ready and starting to expand broadband infrastructure. The proposal and amount requested fit the Stipulation, but after ConnectMaine approval, the NECEC partners will review for final approval before funds can be disbursed.

Vote to approve the NECEC Broadband Fund request: Susan motioned, Jeff 2nd, Liz abstained, 5:0

Board Discussion

- Fred: Did the passage of Question 1 have an impact on the flow of funds?

Peggy: Much of the Stipulation will be put on hold at some point, but doesn't affect the \$2 million we have now.

Nick: The Stipulation led to the escrow account, and the memorandum of understanding allowed us to have funds transferred to us, so these funds are sitting in the ConnectMaine account now; we don't need to go seeking a check from anyone.

- Jeff: Will these folks use the funds to complete make-ready and then apply for more?

Brian: Intent is to use these funds as part of the proposal for a state grant; they won't be spent until the state grant is awarded.

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Award Community Broadband Planning Grants—Review Team (Nick, Susan & Peggy)

- Debrief review process

It was great to see high demand, though available funds were only \$50,000. Applicants were from all across the state. The review team includes representatives of other organizations supporting community planning, and it's really nice to have continuity across the state. In addition to awards, the review team recommends that all applicants become part of the Community of Practice being launched by MBC.

- Review recommendations for awards

All applicants will be supported by ConnectMaine even if it isn't with the planning grant they requested. South Bristol will be offered a startup grant, and many MSAD 72 communities are still working through startup activities. All applicants will receive direct communications from staff. Recommended awards include those to Aroostook and Southwest Waldo counties. Also recommending another window be opened today.

Vote to approve the planning grants as recommended: Susan motioned, Liz 2nd, 6:0

Announce Community Broadband Startup & Planning Grants—Peggy

- Decide on amount of funds to make available for Startup Grants through fiscal year
About \$160,000 from the approved budget for the NTIA Grant process won't be needed, plus the increase in assessment revenue means we can make more funds available for grants. Previously \$50,000 was approved for Startup Grants through the end of the calendar year. After November awards, \$34,000 remains that could be carried over for the rest of the fiscal year, minus any that is awarded in December. Staff recommend approving this carryover.

- Discuss funds and timing for the next application window for Planning Grants
Previously, \$100,000 was approved for Planning Grants each half of the fiscal year. Since this was split to share with Startup Grants, only \$50,000 was announced for the last application window, which was just awarded. Staff is recommending an increase to \$150,000 for the next application window for Planning Grants, with applications due January 20.

Vote to approve carrying over the remaining amount of the \$50,000 approved for Startup Grants, and adding another \$200,000 for pooling funds for both Startup Grants and Planning Grants through the end of the fiscal year, and opening an application window for Planning Grants with the application deadline of January 20: Liz motioned, Fred 2nd, 6:0
Board Discussion

- Susan: Pooling the approved amounts will avoid limiting whether the award can be a startup grant or planning grant. For some communities, it might be better to go back to startup activities and this would give the review team more flexibility to do that.

Peggy: Right, it provides us the flexibility to ensure no community planning process is stalled and make the best use of our funds.

Nick: Having this flexibility make a lot of sense, and thinking about the conversations with MCA will be good to keep in mind the things we should be thinking about as a board and what decisions should really be made by staff.

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Adoption of Rule—Peggy

- Review the posted rule

Originally posted in October, but there was confusion about the designations of unserved and underserved areas, so we went back to rulemaking for Section 5 of the rule.

- Debrief the public comments

Nearly all comments repeated the original comments, rather than focus on Section 5. These have been addressed, and all this stuff will be compiled for the Secretary of State's Office.

Vote to adopt the posted rule: Liz motioned, Jeff 2nd, 6:0

Announce Opportunity to Review Unserved and Underserved Areas—Stephenie

- Broadband Availability Map updated and review disclaimer

This map is intended to provide a starting point for customers to identify what broadband service might be available in their communities. The mapping data were reported by the industry, reflecting the FCC reporting through September 2019 and any reports during the most recent ConnectMaine request of the industry through this past September. While this map is the best information on broadband availability in Maine, ConnectMaine knows the information doesn't represent the actual services that are available to individual customers. This may be the last update of this particular map, since the current contract expires at the end of this year.

- Data on broadband availability may be emailed to ConnectMaine

ConnectMaine intends for data, showing broadband availability or lack thereof, to be considered as it prepares to open the next application window for Broadband Infrastructure Grants. For this purpose, the data submitted must be address-level information that depicts points showing the extent of service availability, preferably in shapefile format. We will work with providers, applicants and other credible sources on a case-by-case basis to consider the format and content of the data that can be submitted. Check website for instructions.

Since the rule was adopted, there is 30 days to submit requests; ConnectMaine will receive data submitted through January 9. ConnectMaine could then confirm areas on January 12.

Board Discussion

- Nick: What will the impact be, areas that are eligible for grants? Same process?

Stephenie: The data submitted will be considered as part of proposing eligible project areas for the next application window of infrastructure grants, yes. Keep an eye out for email announcements and more information on the ConnectMaine website. This process is similar to the one earlier this year, but more streamlined and simpler from the new rule. This process is triggered by the rule, so no motion or action needed here.

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Adoption of Shared Principles—Nick

- Review memo on principles and strategies

These shared principles will help inform discussions with MCA and will provide guidance toward staff development of a memorandum of understanding. ConnectMaine has more flexibility to do last-mile projects. We also have a set of valuable assets, like BIP, that make the grants process easier.

Vote to adopt the guiding principles for future joint work with the Maine Connectivity Authority toward achieving statewide broadband: Susan motioned, Jasmine 2nd, 6:0

Action: Staff incorporates the principles and strategies into the draft triennial strategic plan, and collaborates with MCA staff to execute an MOU that translates activities from the plan into key functions and work over the next year or so for the two authorities, which includes reporting to the legislature early in the new year with a plan to reassess the collaboration or any statutory changes later 2022.

Board Discussion

- Liz: What is meant by “avoid encumbering MCA with statutory limitations or rulemaking obligations on ConnectMaine”?

Nick: ConnectMaine processes and systems are bound by the ConnectMaine statute and rule. MCA has a different set of structures and intentions in their statute. What’s intended with this principle is to avoid putting structures that we find make it harder for us to solve problems into the MCA processes or systems. We’re looking to have the right conversations and right structures.

- Liz: There isn’t much on affordability...?

Nick: There have been those conversations.

Susan: That’ll be addressed with funds under the Digital Equity Act.

- Fred: There isn’t a lot of detail about the staffing, and the two entities are structured differently by statute...?

Liz: We don’t want to violate any state statute, like we can’t combine staffing.

Peggy: That isn’t the intent. This is about the kind of work that needs to get done; how do we make sure that we utilize the whole three staff had.

Stephanie: That’s a helpful example for the distinction between the shared principles being adopted and the strategies below. While the strategies talk about what’s needed, not just now but long term, the MOU will focus on the near term; how do we move forward in the most efficient and non-disruptive way possible.

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Announce Infrastructure Grants Program—Stephenie & Peggy

- Update based on outcome of voting on the rule

ConnectMaine has updated the Broadband Infrastructure Grants Program to recognize the rule as adopted, pending state approval. Looking to award grants early enough in the spring so people can be prepared to break ground in the Maine weather.

- Next steps for stakeholder engagement and potential applicants

The timing of next steps for the Broadband Infrastructure Grants Program may depend on the timeline of learning about NTIA Grant decisions, but these next steps include posting the drafted materials, including the application and evaluation process, on the ConnectMaine website and hosting a workshop for public engagement on the program. If our grants timeline isn't delayed, this workshop could occur as soon as the 15th at 10am. Keep an eye out for an email announcement. We'll take feedback on the grants program to incorporate and further improve before the application window is opened in January.

This stakeholder engagement is important before we open the application window, because we can't change the application materials once the window opens. We'll have another workshop then for potential applicants, which will be more detailed and walk through the application process.

Board Discussion

- Nick: This includes the use of Salesforce?

Stephenie: We have been able to develop an online grants portal, and that'll be part of what's announced at the workshops.

Nick: It's nice thinking back to the various meetings in fall, seeing where things are headed.

Peggy: We're hoping the grants portal helps avoid incomplete applications.

Other Business

Community Broadband Planning—Peggy

- There's published pieces on community stuff, links on our website

One explores the differences between Leeds and Hampden, a deep dive into the results of their respective warrant articles to fund broadband expansion.

No Public Comments

Approval of adjournment: Fred motioned, unopposed

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October Meeting Minutes

20 October 2021

10:00 A.M.

Temporary Recording: https://networkmaine.zoom.us/rec/share/8cFmLu7oYGCJo5ToxSf2yskDUMFtbrQZrYUloh67dnukVC7azzAy_azuOCZDrNX3.EhhiolwNvT_89rRj

Authority Members

Nick Battista, Chair
Jasmine Bishop
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Susan Corbett
Heather Johnson
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Liz Wyman

Introductions of Members and Staff

Liz Wyman, Susan Corbett, Fred Brittain, Nick Battista, Jasmine Bishop, Peggy Schaffer, Stephenie MacLagan

Meeting Kickoff

Governor announced President of Maine Connectivity Authority—Nick & Peggy

- Congrats to Andrew Butcher

Selection of Andrew builds upon the efforts and direction the state is headed with community engagement and planning.

Long Island infrastructure project with Consolidated Communications—Nick

- Field visit last week as the project was finished

Shout out to Consolidated Communications on efforts to get this project done ahead of schedule. Highly encourage members and others to see action on the ground.

Notes of Last Meeting

Approval of the September minutes: Susan motioned, Fred 2nd, 5:0

Review of Operations

Executive Director's Report—Peggy

- Community Broadband Planning Participation

Planning Grants is open through the 31st; please reach out to staff for assistance.

A group of communities on the border of Oxford & Franklin Counties and NH are considering a regional effort based on the school district as political boundaries.

- Partnership activities

Convening with state broadband leaders across northern New England states. Learning about regional planning from other states, like Vermont.

- Update on Broadband Intelligence Platform

Continuing to work with consultant partners and continued communication with MCA.

- Update on NECEC Broadband Fund

Somerset County has applied for some of the funds. About \$1 million has yet to be disbursed from this Fund. Conversations with Franklin County are ongoing.

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- Reopening the rulemaking process

Confusion widespread around the designation of underserved areas.

This will shift our timelines, including the application window for infrastructure grants.

- Update on federal funds

NTIA has posted census blocks for potential challenge by existing providers. We expect to hear updates sometime in November.

NTIA aims to communicate on the Tribal grant in mid-December.

Review of Timelines—Peggy

- Solicit stakeholder engagement on drafted applications and proposed process

The activities that were listed in the draft agenda will happen but on a different timeline due to rulemaking. The next infrastructure grants application window will be shifted later into winter, but ConnectMaine will still host workshops before and after opening the window.

Review of Financials—Stephenie

- First quarter financials for FY22

The first spreadsheet covers our administration and combines the two accounts we have managed, with the following two spreadsheets being the detail of each of those accounts.

The Fund was used to cover infrastructure grants in between new bond allotments; see the ~\$28K under Infrastructure Fund, which will increase considerably for October disbursements of grants awarded, but will shift back to the Bond spreadsheet before Dec. Both NBRC and NTIA are details behind the Fund spreadsheet. NBRC is a reimbursable grant, so revenue will always lag expenses there. NTIA expenses are covered by budgeted line items unless/until NTIA awards its grants.

Board Discussion

- Nick: We're tracking NTIA separately because if awarded then the expenses are reversible?

Stephenie: Correct.

Decisions on Operations

Approval of the FY21 Audit—Stephenie & Kelsey Frenette & Christian Smith, Wipfli

- Debrief the audit

The audit started last week of September through mid-October, and staff submitted draft financial statements by 10.15 as required.

This single audit is a very in-depth type of audit, in case it seems like this packet is huge.

Reconciling FY20 end, when all expenses went through the state administered account, with FY21, when we started expending from both accounts and stopped transfers to the state account, was very confusing, but in the end there were no findings of material weakness.

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- Review draft financial statements, auditors' report and detailed schedules

Representatives from Wipfli are here to help answer any questions you have. This audit must be approved and submitted by the 1st, effectively on the 29th. Wipfli was hired as an independent auditor. Kelsey provided an overview of the audit documents contained in the meeting binder.

Approval of the audited financials as presented: Liz motioned, Susan 2nd, 5:0

Board Discussion

- Liz: Can you point me to where the coronavirus relief funds are captured?

Nick: Page 71

- Liz: Did we have an audit committee to work with staff on this?

Stephenie: No; we discussed it at one of the spring meetings, but there wasn't sufficient interest, and in the end there wasn't sufficient time, for a committee to do this work. Most of the actual work occurred in a very short few weeks.

Peggy: There was a lot of last minute back and forth, push and pulling for information from the various account administrators.

Nick: But next year's will be simpler getting this single audit out of the way.

Stephenie: Yes, and me now having gone through an audit, I'll be better equipped to translate requests to account administrators more quickly and effectively than this year.

Revision of Policies & Procedures—Nick

- Review document for revisions that are underlined and highlighted

Addresses the event that the chair is unable to approve or sign documents

Action: Jasmine volunteered to be designated. Nick and Jasmine will close loop with Jeff.

Adopted the revised Policies & Procedures for ConnectMaine: Susan motioned, Fred 2nd, 5:0

Board Discussion

- Liz: Is it a designee that Nick chooses on ad hoc basis?

Nick: Barring any emergency, Nick would designate one of the public members of the ConnectMaine Authority.

Liz: It'd be good to make this designation ahead of time, annually perhaps. Echoed by Nick.

- Susan: We don't have a Vice Chair?

Peggy: We don't, which is what led us to acknowledging a need to change the policies.

- Jasmine: Any value to establishing a Vice Chair?

Peggy: Sure, but we should wait for the structure of MCA to be known.

Nick: That's really where the governance committee ended up last spring; we know we need bylaws but wanted to see the result of the relationship between ConnectMaine & MCA.

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Other Business

Renewing the memorandum of understanding for NECEC Broadband Fund—Nick

- Consider emergency meeting or allow the chair to sign MOU

There's been a lot of discussion about this, so to avoid needing to approve an MOU that simply changes or extends the dates, the chair could sign an extension.

Approval of the signing of an extension of the memorandum of understanding for NECEC Broadband Fund: Susan motioned, Liz 2nd, 5:0

Board Discussion

- Liz: Seems like we don't need to do much formally, given past conversations with Emily Atkins...?

Fred: Agree; we don't need another meeting if only dates are changing. Echoed by Susan.

No Public Comments

Approval of adjournment: Liz motioned, unopposed.

Executive Director's Report

8 December 2021

Peggy Schaffer, Executive Director

Authority Members

Nick Battista, Chair
Jasmine Bishop
Fred Brittain
Susan Corbett
Heather Johnson
Jeff Letourneau
Liz Wyman

Active grant awards

Premium Choice Broadband has completed the broadband infrastructure project in the Town of Hudson, with a subscription rate over 40% already. This month final documents are expected to close out the Connect Kids Now! grant to Axiom Technologies. Final documents are also expected from Consolidated Communications for the project on Long Island that's been described as completed. The Georgetown project is progressing, and all other projects awarded in May have quarterly reports due this month.

The Town of Newcastle, and the City of Portland for a number of islands, have completed planning projects that resulted in community surveys. While the islands have decided to focus on other issues, Newcastle has been encouraged to continue planning regionally. Six planning projects awarded grants this past June remain active, and the Town of Waldo has finished their planning project but needs to submit final documents. Planning activities continue in Piscataquis County with good community outreach.

Planning remains active in seven projects awarded grants in 2020, and the extension on the Sanford project expires at the end of the year. Planning is active in Somerset County and some of the designated NECEC Broadband Fund has been requested to continue working on the Broadband Feasibility Study and toward starting the pole process.

Local and regional planning support

Following the November application deadline for Startup Grants, four were awarded to municipalities in MSAD 72, a regional collaboration for community broadband planning that will involve all seven municipalities plus Chatham, NH. Startup Grants awarded total \$16,000 of the \$50,000 announced for this half of the fiscal year. There's an agenda item to consider awarding Planning Grants following the October 31 deadline, including one for Aroostook County which has been moving forward.

The third VETRO Cares cohort is going strong. A total of 30 towns have now been engaged. VETRO hosted a cohort support group kickoff meeting last week to help communities continue to learn how to really dive deep into FiberMap.

The Community Broadband Planning Support Program, including Connectivity Boosters, was announced at the Maine Broadband Conference held November 18 & 19. A contract is being executed and more information will be announced as the programming begins.

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This will include renewal of the GEO Partners license to continue both the speed testing and the other analytical tools for community broadband planning. In addition to access to their tools, GEO Partners hosts a monthly call across the nation that Maine communities can join to learn with other states. With Andrew Butcher's departure from the Maine Broadband Coalition, GPCOG has worked with other partners within MBC to set up a very robust "community of practice." The Community Boosters will build off the expertise of long-time community doers like Mia Purcell, Mary Ellen Barnes and others to recruit, train and support this cohort. All applicants to the Community Broadband Planning Grants program are encouraged to participate, and at least one award will be contingent upon participation.

Partnership and communications

AARP is developing a program with more than 50 volunteers to help start and fuel community conversations on broadband. Combining this with the Community Boosters efforts should really enhance community planning efforts in Maine.

The Maine Broadband Coalition held a very successful two, half-day virtual conference, with over 250 people tuning in. Worksessions included digital literacy, financing, open access last mile, AARP community partners and more. I lead a session with Carole Monroe of Valley Net and Christina Halliquist from the Vermont Community Broadband Authority.

With increased federal funds, the State Broadband Leaders Network has been a key point of connection for broadband leaders, many of which are new, from across the country. I have long maintained a Google Group which now has over 140 members. This includes a shared drive, where states can share RFP and grant documents, job descriptions and strategic plans, etc. If broadband leaders use this platform it could become a very useful resource.

Andrew Butcher, acting president of the Maine Connectivity Authority, and I have set up weekly meetings to support the continued development of MCA and ensure coordination of our activities. We have had several very productive conversations with US Treasury about eligible entities to apply for the Capital Projects Funds.

Staff and program management

The Broadband Intelligence Platform has proven to be very valuable as it was extensively used in responding to challenges on our NTIA grant application. We're able to estimate the number of potential subscriber locations (78,297) in unserved areas (less than 50/10mbps), the number (469,787) in underserved areas (less than 100/100mbps) and the number in served areas (117,644). BIP is very powerful, allowing solid strategies for federal funds.

We continue to accommodate state financial systems that delay our cashflows; review of financials is an agenda item.

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Federal funding update

NTIA won't be announcing grant decisions until "early 2022." This has some significant implications for the next application window of our Broadband Infrastructure Grants, since we may not know the outcome of the NTIA Grant yet, and those projects may then apply for state funds. After responding to four requests for additional information beyond what was requested in the NOFO, the fifth request was to respond to a set of industry challenges. Of the 1100 census blocks, 350 were challenged. Using the BIP, FCC data, community planning work, franchise agreements and speed testing, we were able to demonstrate that all but 40 of those were completely invalid. Within these 40, only the unserved locations would be served, which is specifically what the NTIA requested in their NOFO.

The Infrastructure (IIJA) bill passed. In it is \$65 million for broadband, including digital inclusion, affordability, middle mile, tribal, ReConnect and state programs. A new grant program for states (BEADA) will run through NTIA. A NOFO is anticipated within 180 days, to which states respond with a 5-year plan; however, funds will be based on new FCC Broadband Availability Maps, which will be unavailable until at least 2023. Until then, we do not know how much, after the first \$100 million, Maine will receive. In her confirmation hearing, FCC Commissioner Rosenworsel noted that when she took over acting Chair, they didn't even have the computing capacity sufficient to support the new mapping program.

The Digital Equity Act requires the state to develop a very comprehensive digital inclusion strategy, probably by Fall 2022, a significant lift given the statutory requirements in the IIJA. Very competitive funds will be available to help develop the plan, staff and implement the plan. This would be a great complement to the state strategy of universal broadband.

Information on the (only) \$1 billion Middle-Mile Program is not out yet. The \$2 billion Tribal Broadband Program will also be oversubscribed based on NTIA's recent pilot. USDA ReConnect is funded at \$2 billion. In the 3rd round this fall, ReConnect involves different scoring criteria due to the source of funds. We looked at applying as a state, like we did with NTIA, but that is not allowed under USDA rules. We also looked at facilitating an application process for at least one very-hard-to-serve area; however, given the scoring and amount of funds, it did not look like any projects in Maine would be competitive.

ConnectMaine continues to talk with communities and counties about the ability to use the ARP funds for broadband expansion. Hancock County, without consulting ConnectMaine, has engaged Mission Broadband to look at county-wide data of what is available for service. Other counties are still contemplating usage of funds for broadband, some more heavily than others.

ConnectMaine Authority Financials

Includes ConnectME Fund and State Account

FY22 Administrative Combined

As of 10.31.21

FINANCIALS	DETAIL	PROPOSED	OBLIGATED	ENCUMBERED	Q1	Q2	ACTUAL	REMAIN
REVENUE	Carryforward, includes Assessment Withdrawal	\$886,455.65	\$1,927,088.14	\$1,853,825.24	\$1,927,088.14	\$709,960.02	\$1,853,825.24	\$709,960.02
Fund	Assessment Fees, etc.	\$3,050,000.00	\$3,445,000.00	\$509,630.30	\$931,670.02	\$317,314.74	\$1,248,984.76	\$2,198,049.01
State	Refunds, excludes Assessment Withdrawal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL		\$3,936,455.65	\$5,372,088.14	\$2,363,455.54	\$2,858,758.16	\$1,027,274.76	\$3,102,810.00	\$2,908,009.03
EXPENSES								
Financial	DAFS, Solix, audit, bank charges	\$81,600.00	\$71,600.00	\$45,400.00	\$10,074.00	\$2,500.00	\$12,574.00	\$59,026.00
Website	InforME, OIT & Sewall	\$79,275.00	\$79,275.00	\$15,725.00	\$406.52	\$25.00	\$431.52	\$78,843.48
Administration	Salaries, etc.	\$263,563.00	\$263,153.87	\$178,087.01	\$69,947.46	\$19,216.65	\$89,164.11	\$178,087.01
Cellphones		\$1,080.00	\$1,080.00	\$90.00	\$246.56	\$81.96	\$328.52	\$751.48
Travel	Central Fleet, etc.	\$3,000.00	\$3,000.00	\$44.18	\$88.36	\$0.00	\$0.00	\$0.00
Operational Services	subscriptions, conferences	\$21,300.00	\$700.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20,600.00
Support Services	excluding technical and intelligence	\$376,500.00	\$145,960.20	\$56,406.45	\$50,718.95	\$5,687.50	\$56,406.45	\$243,593.55
Technical Services	grants verification & validation	\$177,775.00	\$146,318.75	\$70,031.25	\$24,456.25	\$14,175.00	\$38,631.25	\$107,687.50
Broadband Intelligence	data collection, analysis & mapping	\$900,000.00	\$929,201.39	\$529,294.19	\$514,375.44	\$0.00	\$514,375.44	\$414,825.95
Research Services	business models & ROI evaluations	\$250,000.00	\$140,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$250,000.00
Planning Grants		\$246,125.00	\$129,894.48	\$35,250.00	\$30,250.00	\$2,500.00	\$32,750.00	\$210,875.00
Planning Services	including community mapping services	\$200,000.00	\$212,500.00	\$9,500.00	\$0.00	\$9,500.00	\$9,500.00	\$190,500.00
Digital Inclusion		\$100,000.00	\$29,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Grant Matches		\$750,000.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Infrastructure Fund	separate from restricted grants	\$225,312.50	\$75,000.00	\$75,000.00	\$27,986.96	\$289,590.00	\$317,576.96	-\$92,264.46
Miscellaneous	covers likely deviations	\$50,000.00	\$42.00	\$42.00	\$0.00	\$0.00	\$0.00	\$20,000.00
TOTAL		\$3,725,530.50	\$2,276,725.69	\$1,014,870.08	\$728,550.50	\$343,276.11	\$1,071,738.25	\$1,682,525.51
BALANCE		\$210,925.15			\$2,130,207.66	\$683,998.65	\$2,031,071.75	\$1,225,483.52

ConnectMaine Authority Financials

FY22 State Account

Rev. 11.9.21

FINANCIALS	DETAIL	PROPOSED	OBLIGATED	ENCUMBERED	Q1	Q2	Q3	ACTUAL	REMAIN
REVENUE	Carryforward	\$505,413.95	\$783,222.92		\$783,222.92	\$709,960.02		\$709,960.02	\$709,960.02
Fund	Assessment Withdrawal	\$0.00							
Refunds		\$0.00							
SUBTOTAL		\$505,413.95	\$783,222.92		\$783,222.92	\$709,960.02	\$0.00	\$709,960.02	\$709,960.02
EXPENSES									
Financial	DAFS	\$11,600.00	\$11,600.00	\$2,900.00	\$2,574.00			\$2,574.00	\$9,026.00
Website	InforME, OIT & Sewall	\$79,275.00	\$79,275.00	\$15,725.00	\$406.52	\$25.00		\$431.52	\$78,843.48
Administration	Salaries, etc.	\$263,563.00	\$263,153.87	\$178,087.01	\$69,947.46	\$19,216.65		\$89,164.11	\$178,087.01
Cellphones		\$1,080.00	\$1,080.00	\$90.00	\$246.56	\$81.96		\$328.52	\$751.48
Travel	Central Fleet	\$3,000.00	\$3,000.00	\$44.18	\$88.36				
Operational Services	subscriptions, conferences	\$700.00	\$700.00						
Support Services	program & technical, data & maps	\$76,500.00	\$25,500.00						
Planning Grants		\$2,500.00	\$2,500.00	\$2,500.00					
Miscellaneous	covers likely deviations	\$20,000.00	\$42.00	\$42.00				\$0.00	\$20,000.00
TOTAL		\$458,218.00	\$386,850.87	\$199,388.19	\$73,262.90	\$19,323.61	\$0.00	\$92,498.15	\$286,707.97
BALANCE		\$47,195.95	\$396,372.05		\$709,960.02	\$690,636.41	\$0.00	\$617,461.87	\$423,252.05

ConnectMaine Authority Financials
FY22 Solix ConnectME Fund

Rev. 11.18.21

FINANCIALS	DETAIL	PROPOSED	OBLIGATED	ENCUMBERED	Q1	Q2	Q3	ACTUAL	REMAIN
REVENUE	Carryforward	\$381,041.70	\$1,143,865.22	\$1,143,865.22	\$1,143,865.22			\$1,143,865.22	
Fund	Assessment Fees	\$1,800,000.00	\$2,195,000.00		\$449,540.74	\$287,779.95		\$737,320.69	\$1,457,679.31
NBRC	excludes match	\$1,250,000.00	\$1,250,000.00	\$509,630.30	\$481,215.90	\$28,414.40		\$0.00	\$509,630.30
NTIA	excludes match & infrastructure	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
Interest		\$0.00			\$913.38	\$1,120.39		\$2,033.77	
SUBTOTAL		\$3,431,041.70	\$4,588,865.22	\$1,653,495.52	\$2,075,535.24	\$317,314.74		\$0.00	\$2,392,849.98
EXPENSES		\$0.00							
Refunds	Closures	\$0.00						\$0.00	
Withdrawals	excluding NECEC	\$0.00						\$0.00	
Financial	Solix, audit, bank charges	\$70,000.00	\$60,000.00	\$42,500.00	\$7,500.00	\$2,500.00		\$10,000.00	\$50,000.00
Travel	future reimbursements	\$0.00						\$0.00	
Operational Services	subscriptions, conferences	\$20,600.00						\$0.00	\$20,600.00
Support Services	excluding technical and intelligence	\$300,000.00	\$120,460.20	\$56,406.45	\$50,718.95	\$5,687.50	\$0.00	\$56,406.45	\$243,593.55
Technical Services	grants verification & validation	\$177,775.00	\$146,318.75	\$70,031.25	\$24,456.25	\$14,175.00	\$0.00	\$38,631.25	\$107,687.50
Broadband Intelligence	data collection, analysis & mapping	\$900,000.00	\$929,201.39	\$529,294.19	\$514,375.44	\$0.00	\$0.00	\$514,375.44	\$414,825.95
Research Services	business models & ROI evaluations	\$250,000.00	\$140,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$250,000.00
Planning Grants		\$243,625.00	\$127,394.48	\$32,750.00	\$30,250.00	\$2,500.00		\$32,750.00	\$210,875.00
Planning Services	including community mapping services	\$200,000.00	\$212,500.00	\$9,500.00		\$9,500.00		\$9,500.00	\$190,500.00
Digital Inclusion	including community mapping platform	\$100,000.00	\$29,000.00					\$0.00	
Grant Matches		\$750,000.00	\$50,000.00					\$0.00	
Infrastructure Fund		\$225,312.50	\$75,000.00	\$75,000.00	\$27,986.96	\$289,590.00		\$317,576.96	-\$92,264.46
Miscellaneous	covers likely deviations	\$30,000.00						\$0.00	
TOTAL		\$3,267,312.50	\$1,889,874.82	\$815,481.89	\$655,287.60	\$323,952.50		\$0.00	\$979,240.10
BALANCE		\$163,729.20			\$1,420,247.64	\$6,637.76		\$0.00	\$1,413,609.88

ConnectMaine Authority Financials
FY22 State Bond Spending

Rev. 11.16.21

FINANCIALS	DETAIL	PROPOSED	OBLIGATED	ENCUMBERED	Q1	Q2	Q3	Q4	ACTUAL	REMAIN
REVENUE	Carryforward	\$2,000,000.00	\$2,000,000.00	\$211,000.00	\$211,000.00				\$211,000.00	\$1,789,000.00
Bonds	FY21	\$13,000,000.00	\$3,000,000.00	\$4,789,000.00	\$1,789,000.00				\$1,789,000.00	\$11,211,000.00
SUBTOTAL		\$15,000,000.00	\$5,000,000.00	\$5,000,000.00	\$2,000,000.00	\$0.00	\$0.00	\$0.00	\$2,000,000.00	\$13,000,000.00
-										
EXPENSES										
Bond Fees		\$10,000.00							\$0.00	\$10,000.00
Infrastructure Bond		\$14,990,000.00	\$2,027,986.96	\$2,242,576.96	\$2,027,986.96	\$214,590.00			\$2,242,576.96	\$12,747,423.04
TOTAL		\$15,000,000.00	\$2,027,986.96	\$2,242,576.96	\$2,027,986.96	\$214,590.00	\$0.00	\$0.00	\$2,242,576.96	\$12,757,423.04
-										
BALANCE		\$0.00			\$27,986.96	\$214,590.00	\$0.00	\$0.00	\$242,576.96	\$242,576.96

ConnectMaine Authority Financials

NECEC Broadband Fund

Revised Budget

Rev. 11.18.21

FINANCIALS	DETAIL	PROPOSED	OBLIGATED	ENCUMBERED	Q1	Q2	Q3	ACTUAL	REMAIN
REVENUE	Carryforward	\$1,000,533.46			\$1,000,533.46			\$1,000,533.46	\$1,000,533.46
NECEC		\$0.00	\$1,000,000.00	\$1,000,000.00				\$0.00	\$1,000,000.00
Interest					\$661.97	193.24		\$855.21	
SUBTOTAL		\$1,000,533.46	\$1,000,000.00	\$1,000,000.00	\$1,001,195.43	\$193.24	\$0.00	\$1,001,388.67	\$2,000,533.46
EXPENSES									
Withdrawals	Maine Connectivity Authority	\$1,000,533.46	\$2,000,533.46					\$0.00	\$2,000,533.46
Planning Assistance		\$0.00						\$0.00	\$0.00
Digital Inclusion	affordability program	\$0.00						\$0.00	\$0.00
Infrastructure Grants	matches or direct allocations	\$0.00						\$0.00	\$0.00
Infrastructure Loans		\$0.00						\$0.00	\$0.00
Miscellaneous	covers likely deviations	\$0.00						\$0.00	\$0.00
TOTAL		\$1,000,533.46	\$2,000,533.46	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,000,533.46
BALANCE		\$0.00			\$1,001,195.43	\$193.24	\$0.00	\$1,001,388.67	\$0.00

May 4, 2021

TO: ConnectMaine's Governance Committee

FROM: Jeff Wahlstrom

RE: Going forward - board governance recommendations

As the Maine Connectivity Authority and accompanying legislation takes shape, what follows are a set of recommendations for the board to consider in anticipation of a new or different role for the ConnectMaine Authority as well as some governance guidance that will apply no matter what the future holds. These recommendations result from my initial review of the ConnectMaine Authority Statute, the ConnectMaine Authority Rule, two meetings with the Governance Committee, and discussions with 6 of the 7 board members and with Peggy Schaffer and Stephanie MacLagan.

Be proactive in shaping ConnectMaine's future – As a board, engage in discussions about the ongoing and future role that ConnectMaine might play in support of the State's broadband strategy and the work of the Maine Connectivity Authority. Review organizational strengths and what ConnectMaine is uniquely positioned to do. Don't wait for others to assign you a role!

Get clarity re: staffing ConnectMaine – As the Maine Connectivity Authority takes shape, there should be an opportunity to address some items in the Statute (MRS Title 35-A, Chapter 93. Advanced Technology Infrastructure). In particular, you will want to clarify the ConnectMaine's authority to recruit, hire, supervise, and evaluate the Executive Director (E.D.). Currently the Statute gives the ConnectMaine board the ability to hire the E.D. but it also includes language that says that DECD "shall provide staff for the authority".

Clarify roles and expectations – Top of the list for most board members and staff I interviewed was the need to get clear on roles, responsibilities, and expectations: what should we be doing, what should staff be doing, and what should we expect of each other? Wrapped into this were several questions and issues related to communication from staff, between board members, and in advance of board meetings. Take time to meet (and give yourselves time) to ask and answer these questions together (and create appropriate documents):

- What expectations should we set for someone who is being appointed to this board?
- What expectations should the board have for the E.D. (and, indirectly, their staff)?
- What expectations should the E.D. have of us as individual board members and as a board?
- What expectations should we set regarding communication between the E.D. and the board, between board members, and so on.

Develop bylaws for ConnectMaine – The Maine Technology Institute bylaws appear to be a reasonably good model to use as a basis for a set of bylaws for ConnectMaine. What is included in the bylaws will depend, in part, on how ConnectMaine's future role is shaped, as described in Section 9203 of the Statute "ConnectMaine Authority", 9204 "Duties of the Authority", 9205

Prepared for the ConnectMaine board by Jeff Wahlstrom, Starboard Leadership Consulting, LLC

“General Powers”, and 9208 “Legislative oversight; report to committee”. In any case, I would encourage the board to give attention to the following as you develop bylaws:

- Include as much of Section 9203 of the Statute that applies to membership, meetings, quorum, etc. While this will simply be a repeat in the bylaws of what is in the Statute, items that govern how the board does its work belong in the bylaws too.
- Clearly describe your authority to employ the Executive Director, to include: hiring, firing, evaluating and directing the E.D.’s work. Don’t include a lengthy job description. Just clarify your role in employing the lead staff person.
- Include descriptions of your standing committees and the essential duties of those committees. At the same time, give the board authority to establish other committees and task forces as needed.
- Consider the development of an executive committee that can meet and conduct work between meetings of the board. There should be limitations on what actions the executive committee can take, but having such a committee may allow the board to be more nimble in its work and decision-making.
- Consider the potential of allowing non-members (without conflicts of interest) to serve on the various committees. The Statute actually gives the board the ability to name a treasurer and secretary and notes that they don’t have to be members of the board. Spread the work and bring in the expertise you need by expanding the membership of your committees.
- Standard to any bylaws are descriptions of the roles and responsibilities of the various officers and of the chairs of committees.
- Rather than try to codify in the bylaws how the board will conduct its meetings, authorize the board to set its own meeting policies and procedures as it sees fit and leave it at that. With that said, it often makes sense to set a minimum for the number of board meetings per year (4?) and describe how “special meetings” may be called.
- I also think it is good to re-state in the bylaws what the organization’s conflict of interest policy is, and I encourage you to consider language that sets a requirement that it be reviewed annually by all board members.

Please let me know if you have questions about any of what I’ve outlined here. I’ve appreciated the opportunity to work with you.

Draft Governance Work Plan for the Connect Maine Authority Board October 2020

Good governance practices are foundational to the long-term success of the ConnectMaine Authority. It is the practice of the board to keep governance as a regular topic for board discussions. The following governance work plan is broken down by major topics to be considered each quarter and the work may span multiple board meetings. This schedule is meant to ensure the board considers important governance topics at least once a year and to set expectations about when the board will be reviewing various topics. It is also likely that specific governance questions will arise outside of this schedule and those can be dealt with as they occur.

- Q1 (July, Aug, Sept) - Review program performance and indicators of success?
- Q2 (Oct, Nov, Dec) - Review status of key relationships to ensure clear communication and understanding of roles and responsibilities
 - Review practices and agreements with DECD and DAFS
 - Review operations as a Corporate Body Politic
 - Review relationships and connections with other state agencies - PUC, MTI
 - Review strategic partnerships outside of state government
 - Review board member roles and expectations
- Q3 (Jan, Feb, March) - Review of governing and guiding documents statute, rules, policies, multi year plans.
 - Acknowledgement of conflict of interest policy.
 - Review governance work plan.
 - Review need for bylaws.
 - Review board practices
- Q4 (April, May, June) - Review for transparency and accessibility of information, discussions, materials.
 - Review website for ease of use
 - Review practices related to meeting participation
 - Review avenues for public input
 - Review timing and location for board meetings



CONNECTMAINE

ConnectMaine Authority Members: Nick Battista, Jasmine Bishop, Fred Britain, Susan Corbett, Heather Johnson, Jeff Letourneau, Liz Wyman

Application for New England Clean Energy Corridor Broadband funds, Spring 2021

These funds are available to impacted communities in Franklin and Somerset County for efforts to expand broadband including last mile connections. These funds are in accordance with the Maine Public Utilities Commission's Stipulation agreement, delineating a broadband benefit as part of the Public and Rate Payer Benefits of the New England Clean Energy Corridor.

The funds are available to Greater Franklin Economic Development and Somerset County Economic Development for broadband expansion, as outlined in the broadband plan outlined in the Memorandum of Understanding between ConnectMaine and the signatories of the Stipulation agreement. These funds are for the first two quarters of 2021, and total \$1 million.

Funds from NECEC to support these broadband project projects will be considered as match for the purposes of a ConnectMaine infrastructure grant application, though the funding would be awarded separately from a ConnectMaine application.

While the intent is to maximize public and private funding for these projects, there is no requirement that these funds be awarded as a result of a ConnectMaine infrastructure grant. ConnectMaine's intention is to award this first two quarters of funds evenly for projects in each county, as outlined in the stipulation agreement, as long as the proposed budgets justify the funding request.

Legal Name of Applicant: Somerset Economic Development Corporation (SEDC)

Contact information: Christian Savage
Mailing address: 41 Court St, Skowhegan, ME 04976
Phone: 207-649-4255
Email address: csavage@somersetcounty-me.org
Federal EIN number: 01-0535534

Name and contact information of person to be contacted on matters involving this application:

Name: Christian Savage
Title: Executive Director
Phone: 207-649-4255
Email: csavage@somersetcounty-me.org

Brief Description of project to be funded: (This will be used in any press releases.)

Somerset Economic Development Corporation (SEDC) on behalf of the Somerset County Commission and 58 Towns and Townships within Somerset County, is in the process of negotiating with service providers to establish Public-Private Partnerships to expand the availability of affordable, reliable, high-speed Internet service throughout the county. Sixteen (16) of those Towns and Townships are host communities to the New England Clean Energy Connect (NECEC) project and are eligible for grants from the \$10,000,000 NECEC Broadband Fund (Fund) to support the implementation and maintenance of high-speed broadband infrastructure.

As we are actively negotiating with service providers, we are working hard to secure funding commitments from the Towns and Somerset County as a local match that will enable much more productive negotiations. Ultimately, we plan to secure these commitments prior to the opening of the next ConnectMaine grant round and in preparation for pursuit of the State and federal American Recovery Plan Act (ARPA) funds and the BEADA - Broadband Access, Equity, and Deployment Act ("Infrastructure Act") funds. To that end, we are requesting \$600,000 from the NECEC Broadband Fund to defray a portion of the estimated make-ready costs and to supplement local and county funds to form a significant local match.

Amount requested: \$600,000

Communities Impacted:

List each affected municipality, local government or local government authority, or a local nonprofit providing economic development programs, as applicable to the proposed project.

NECEC Host Communities - Somerset County		
	Estimated Make-ready Costs	NECEC Broadband Fund Allocation
Anson	\$987,492	\$158,686
Appleton Twp	n/a	
Bald Mountain Twp T2 R3	n/a	
Bradstreet Twp	n/a	
Caratunk	\$222,684	\$35,784
Concord Twp	\$215,688	\$34,660
Embden	\$755,436	\$121,396
Hobbstown Twp	n/a	
Johnson Mountain Twp	\$113,124	\$18,179
Moscow	\$419,100	\$67,348
Moxie Gore	\$57,948	\$9,312
Parlin Pond Twp	\$61,116	\$9,821
Starks	\$545,424	\$87,648
T5R7 BKP WKR	n/a	
The Forks Plt	\$264,792	\$42,551
West Forks Plt	\$90,948	\$14,615
Total	\$3,733,752	\$600,000
		16%

Project Scope:

Please attach a detailed description of the proposed project of no more than 5 pages. Identify how the project will have tangible impact on these communities in the near term. Also please identify how these funds will leverage additional funding and contribute to funding affordable broadband service in these communities. Please include why this project was selected, and how this project will meet the use of funds in the Stipulation agreement:

- A. Payment of legal, consulting and financial planning fees related to the establishment of public/private partnerships to expand the availability of high speed broadband in the host communities or ongoing project management required to expand and maintain the availability of high speed broadband in such communities including, but not limited to, providing broadband service to public buildings where citizens may access the service for personal or business use;
- B. Payment of annual pole license fees in unserved and underserved areas; or
- C. Payment of make-ready costs for utility poles in unserved and underserved areas.

The proposed project will deploy 10Gbps symmetrical capable infrastructure to all potential subscriber locations in eleven (11) of the sixteen (16) Towns/Townships identified in the table above. The remaining five (5) Townships have so few potential subscriber locations that the cost to deploy fiber optic infrastructure is unreasonable. As such, those five (5) Townships will be served via satellite services. (*See Somerset County Broadband Report, submitted previously, for specific details of areas to be served.*)

Except for the Towns of Embden and Anson, which are partially served via cable TV infrastructure, all areas are considered unserved, that is with service capability of less than 50Mbps download and 10Mbps upload. This project will make service available to these unserved locations equal to the best service available anywhere else in the nation while providing the communities with unparalleled opportunities for economic development (*work from home, work from vacation home, work from rental property, ability to start new home-based businesses, enhanced connectivity for existing businesses*), as well as enhanced opportunities to take advantage of tele-health services, and participation in distance-learning classes, etc.

We have already received proposals from service providers to serve seven (7) of these Towns/Townships where the service provider is proposing to fund 75%+ of the overall cost. We plan to use the NECEC Broadband funds, combined with local and county ARPA funds and funding from ConnectMaine and/or the Maine Connectivity Authority to fund the remaining costs. In short, the NECEC Broadband funds will be leveraged on at least a 4:1 basis and potentially up to an 8:1 basis. We are also requiring partner service providers to offer an affordable service package and to participate in the FCC's Emergency Broadband Benefit program.

This project is a subset of an overall county-wide project to expand the availability of affordable, reliable, high-speed Internet service throughout the county. This project subset addresses all the NECEC host communities in Somerset County where there is utility pole infrastructure. The use of these funds will be limited to payment of utility pole make-ready costs for unserved areas within these host communities.

Please describe key project milestones and deliverables:

Key milestones for the utility pole make-ready process include:

- Utility pole data capture and upload into engineering application
- Strand map to select utility poles to be included in pole attachment applications
- Submission of pole attachment applications
- Joint ride-out of utility poles with pole owners to determine make-ready tasks required and costs for make-ready
- Payment of utility pole make-ready charges
- Completion of make-ready

Note: No NECEC funds will be expended until the overall project is fully funded and contract(s) with the partner service providers have been executed.

Please identify the proposed timeline for implementation:

The timeline for implementation and use of these funds will begin when the overall project is fully funded and contract(s) with the partner service providers have been executed. The utility pole make-ready process is estimated to be completed within twelve (12) months. We expect the project to be fully funded no later than the second quarter 2022 if we will require state or federal funding. Should we secure sufficient local and county funding without a need to pursue state and federal funding, we anticipate beginning the project in the first quarter of 2021.

Please attach a detailed budget for use of the funds. This should include other funds leveraged or supplemented by this funding.

The budget for the use of these funds is included in the table above. The remaining funds beyond the service provider contribution have not yet been secured. We know that securing the NECEC Broadband funds will greatly improve our anticipated success in securing the remaining funds.

Community Broadband Planning Grants

8 December 2021

Review Team Recommendations

Authority Members

Nick Battista, Chair
 Jasmine Bishop
 Fred Brittain
 Susan Corbett
 Heather Johnson
 Jeff Letourneau
 Liz Wyman

Background

Community Broadband Planning Grants are awarded to develop plans for expanding the availability of broadband service, and to produce strategies for digital equity and inclusion. When the budget was approved, only \$200,000 was dedicated for community broadband planning grants; for the first half of the fiscal year, ConnectMaine announced splitting \$100,000 equally between Startup Grants and these Planning Grants.

Since then, ConnectMaine will have additional funds undedicated, from additional assessment revenue and potentially from post-award administration of the NTIA Grant. ConnectMaine could open another application window for Planning Grants soon, to make available more of these new funds.

Also, the larger Community Broadband Planning Support Program has been launched, including Connectivity Boosters and recruitment to the Community of Practice. This programming makes additional funds available to local leaders in addition to mapping platforms and technical assistance.

Five applications were submitted. The total amount of requested grants total \$202,000 toward planning projects that total \$335,750.

Project	Communities	Cost	Requested
Aroostook County Broadband Planning	173 in County	\$30,000	\$20,000
Southwestern Waldo County Broadband Planning	Freedom, Liberty, Montville, Palermo, Searsmont	\$114,750	\$50,000
MSAD 72 Broadband Planning	Brownfield, Denmark, Fryeburg, Lovell, Stoneham, Stowe, Sweden, Chatham NH	\$118,500	\$64,500
Washington Broadband Planning	Washington	\$12,500	\$12,500
South Bristol Broadband Planning	South Bristol	\$60,000	\$55,000

CONNECTMAINE

Summary

The review team set aside the application from the Town of Washington, because the project may be funded by the NTIA Grant if it is awarded. ConnectMaine will continue to work with this community if the NTIA Grant isn't awarded.

The review team determined that South Bristol could benefit from further completing startup activities and reapply for a planning grant when the project costs can be better justified. ConnectMaine would offer them a Startup Grant.

All these communities should consider participating in the Community of Practice. The review team recommends that the award to Aroostook County be contingent on their participation. This was the strongest application submitted.

The review team found the Southwestern Waldo County application to be the second strongest application, but that the project focus could be further staged: Completing the financial modeling and perhaps starting on the network designing, by seeking further funds in the future based on progress.

The MSAD72 has begun startup activities, with five of the seven towns awarded Startup Grants. The Planning Grant application was incomplete with regard to demonstrating precertification and identifying the fiscal agent. Completing these activities will allow a complete application for a Planning Grant to be submitted in the future.

Recommendations

The review team recommends awarding Planning Grants as follows:

- \$20,000 for Aroostook County Broadband Planning contingent on participation in the Community of Practice; and
- \$30,000 for Southwestern Waldo County Broadband Planning to fund completion of financial modeling.

Motion to approve the planning grants as recommended.



CONNECTMAINE

ConnectMaine Authority Members: Nick Battista, Jasmine Bishop, Fred Britain, Susan Corbett, Heather Johnson, Jeff Letourneau, Liz Wyman

8 December 2021

Press Release

BROADBAND GRANTS ANNOUNCEMENT

The ConnectMaine Authority seeks applications to the Community Broadband Planning Grants Program from groups interested in expanding broadband service to their communities.

Broadband service enables civic and cultural participation, employment, lifelong learning and access to essential services. These grants are funded through assessments or surcharges on certain communications, video and internet service bills. Along with other sources of funds, ConnectMaine anticipates awarding about \$150,000 at this time.

Planning grants are awarded to develop plans for expanding the availability of broadband service, and to produce strategies for digital equity and inclusion. Municipalities, groups of municipalities, counties, or community organizations that provide local or regional economic development programs, are eligible to apply.

The planning grants program incentivizes collaboration among multiple communities, in part because the community planning process is a significant undertaking. Collaboration can bring additional resources, volunteers and community support to the planning effort, and it also improves the viability of eventual expansion of broadband networks in the area. Regional projects will be more competitive.

The ConnectMaine Community Broadband Planning Grants Program is designed to get communities ready to pursue future opportunities for broadband expansion, by committing to firm milestones to expand broadband in a way that reflects the community's vision and goals. Communities that go through a community-driven broadband planning process are situated well to apply for future infrastructure grants. Community-Driven Broadband Projects seek to widely expand infrastructure for equitable access to affordable and reliable internet service that meet the current and future broadband needs of Mainers.

More information and applications can be found on the ConnectMaine website: www.maine.gov/connectme. Please direct any questions to ConnectMaine staff. The mission of ConnectMaine is to facilitate the universal availability of broadband to all Maine households and businesses, and to promote the valuable role it can play in enriching their lives and helping their communities thrive.

CONNECTMAINE

Planning Grants Application

Contact Staff

Connect.ME@maine.gov

207.624.9894

Authority Members

Nick Battista, Chair

Jasmine Bishop

Fred Brittain

Susan Corbett

Heather Johnson

Jeff Letourneau

Liz Wyman

This application is for community broadband planning projects, which involve developing plans for expanding the availability of broadband service. Preference will be given to regional projects affecting multiple communities. Successful grant applications describe the project work that would likely lead to expanding the availability of broadband in unserved and underserved areas.¹

This application window is December 8 through January 20. Please submit your application materials by emailing Connect.ME@maine.gov with the subject heading Grant Application.

Instructions

Please don't include addendums or references; please insert evidence in the order requested. Any information that may be deemed confidential must be submitted as separate files to remain confidential. Please note that applications submitted are made publicly available. Some details of projects funded with grants, including the extent of broadband service availability and any plans produced, are posted on the ConnectMaine website.

Precertification is an eligibility requirement that involves demonstrating an understanding of broadband service availability in the affected communities, that a committed broadband committee covering relevant backgrounds and essential roles has been established, and that other startup activities have been occurring. Proposing the use of funds and investigating regional collaborations are requirements of this application. The ConnectMaine Authority reserves the right to request additional information necessary to evaluate applications for planning grants.

Please contact ConnectMaine staff for any assistance. Please note that the score of an application is only one factor considered by ConnectMaine in awarding grants, among many other factors required or allowed to be reviewed in accordance with the statute and rule. Regional collaborations, proposing project areas that cover more than one municipality, are strongly encouraged.

¹ Evaluation of applications is conducted in accordance with the ConnectMaine rule:
<https://www.maine.gov/connectme/about/statutes-rulemaking>

CONNECTMAINE

I. Applicant Information

Applicant Signature:

Date Submitted:

A. Fiscal Agent

Please also submit a W9 form with the application.

Entity Name:

B. Grant Requested

Amount:

C. Affected Communities

List a point of contact for each community involved in the proposed work.

Community	Name	Title or Role	Email or Phone

D. Applicant or Agent

Name:

Title or Role:

Mailing Address:

Phone Number:

Email Address:

E. Partner, if any, excluding any consultants hired

Company Name:

Point of Contact Name:

Title:

Phone Number:

Email Address:

F. Applicant Eligibility

The applicant may be any general-purpose local government, including a municipality or county; groups or regional partnership of general-purpose local governments, including multiple municipalities, local government authorities, counties, and joint or multi-county development authorities; any broadband utility district or corporation, wholly or partially owned by local government(s); or any nonprofit local or regional community organizations that are providing local or regional economic development programs.

Name and type of entity:

If any, list any planning grants awarded by ConnectMaine to any of the entities of this application.

Date of award	Entity receiving funds

CONNECTMAINE

II. Executive Summary

Provide a five-sentence executive summary that identifies the applicant, the project area, the proposed work, how the proposed work will lead to expanding the availability of broadband service, and when completion is anticipated.

III. Precertification

To be eligible for planning grants, precertification must be completed and approved. Precertification is a process of engaging stakeholders and gathering information, and which encourages adoption of best practices for community broadband planning.

Briefly describe the regional collaborations or partnerships formed among communities, local or regional nonprofits providing economic development programs, or private-sector stakeholders. If none, then describe the investigation and efforts of undertaken to date.

A. Local Participation

Briefly describe how residents of each affected community are participating in broadband planning.

CONNECTMAINE

B. Broadband Committee

The community broadband committee must be committed for the duration of community broadband planning; committees that are committed into and through eventual expansion of broadband further ensure community vision and goals are met. List the community broadband committee members who contribute relevant backgrounds and roles.

Background	Name
an official representing the affected community, including a local elected official with political will to support broadband	
an educator who cares about educational opportunities around broadband	
someone in economic development, including a local business owner, including someone from an industry that's important to the affected community	
someone who depends on broadband, including a teleworker, including a student, including a healthcare provider	
a key individual to any such project, including someone who's integral to the fabric of the affected community	
a deep diver into broadband, including someone with information technology expertise, including someone with policy expertise	
a finance expert, including someone with banking expertise, including someone with public-private partnership experience	
a communicator, both within the committee and from the committee	
an energizer, who diversifies and brings together the group	
a visionary, who drives the process forward and keeps it upbeat	

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IV. Regional Preference

Preference will be given to regional projects involving multiple communities.

Describe the areas covered by the proposed project or included in the proposed activities, including the number of municipalities or local governments, and the number of economic development nonprofits, that are involved in this broadband planning.

V. Project Focus

The evaluation process involves first ranking applications by the likelihood of the proposed projects leading to the expansion of the availability of broadband service.

Describe the focus of the proposed project and how it is likely to lead expanding the availability of broadband service in unserved and underserved areas.

Grant recipients are required to submit the plan generated by the project or a report with sufficient detail to demonstrate that the project is leading to the expansion of the availability of broadband service in unserved and underserved areas. Funded activities should either build upon or result in the following:

- a description of local broadband needs and goals;
- an inventory of the existing infrastructure assets;
- a gap analysis defining the additional broadband infrastructure necessary to meet identified needs and goals;
- an assessment of relevant municipal procedures, policies, rules and ordinances that have the effect of delaying or increasing the cost of broadband infrastructure deployment;
- a strategy to promote digital inclusion that addresses affordable internet service and equipment, digital literacy and public computer access;
- one or more network designs and cost estimates based on input from broadband service providers;
- operating and business models based on input from broadband service providers; and
- information or network design solutions from any other parties submitted during planning.

CONNECTMAINE

A. Project Area

Are the areas covered or included in the proposed project predominately unserved or underserved areas?² If not, briefly describe the unique benefit of expanding broadband service to the portion of the project area that is unserved or underserved.

Areas designated as unserved may be identified in any or all of the following sources:

- The ConnectMaine Broadband Availability Map:
<https://maps.sewall.com/connectme/public/>
- Community Broadband Plans posted on the ConnectMaine website, if geographic areas are delineated based on a service level of at least 50/10mbps being unavailable:
www.maine.gov/connectme/grants/planning-grants/awards
- The 2021 Reviewed Areas, if these weren't awarded infrastructure grants since:
www.maine.gov/connectme/communities-resources/Broadbandmapping

B. Project Engagement

Describe how local leaders, residents and businesses of affected communities will be educated and engaged in the proposed project.

C. Timeline and Milestones

While planning is an on-going process, for these proposed planning activities, insert a timeline that lists the anticipated milestones and anticipated completion date.

² ConnectMaine designates geographic areas that are unserved or underserved. Currently areas are designated as unserved where internet service is less than 50mbps/10mbps, and areas are designated as underserved where internet service of at least 50mbps/10mbps is available but is less than 100/100mbps.

CONNECTMAINE

VI. Financial Commitment

The evaluation process involves dividing the grant amount requested by the number of communities involved in the proposed project, which is then multiplied by the initial ranking for a final ranking.

Briefly describe how any funds awarded would be essential for the proposed project work.

While many factors affect costs, ConnectMaine may use these guidelines and others to award the very limited grant funds available:

- Activities that the applicant, broadband committees or affected communities have the capability of conducting should be covered by in-kind contributions or committed dollars;
- Only activities that the applicant, broadband committees or affected communities aren't capable of conducting on their own should result in consultant expenses;
- Grant dollars should be reserved to cover expenses associated with other activities that aren't typical for the applicant, broadband committees or affected communities to conduct on their own, or that can't be covered by in-kind contributions or committed dollars;
- Consultant expenses are typical for generating the engineering designs and business modeling; however, grant dollars are unlikely to be awarded for fieldwork, mapping and conducting RFP processes where in-kind contributions should be explored.

A. Budget

List all costs of the proposed project and the secured, financial commitments from the applicant and other sources. Committed dollars cannot consist of in-kind contributions.

Anticipated Expenses	Total (\$)	Committed (\$)	Grant (\$)
Totals			

If a community includes a financial commitment toward planning, those funds may not consist of in-kind contributions from the municipality or funds provided by a vendor or private business that proposes to build, operate or provide retail services using broadband infrastructure constructed pursuant to the planning grant. By signing and submitting this application, the applicant certifies the proposed project would be conducted and completed in accordance with the ConnectMaine rule.

Written Statement

8 December 2021

ConnectMaine factual and policy basis for the rule

Authority Members

Nick Battista, Chair
Jasmine Bishop
Fred Brittain
Susan Corbett
Heather Johnson
Jeff Letourneau
Liz Wyman

ConnectMaine Authority Rule, Ch. 101

The posted rule makes the required changes to implement PL 2021 Chapter 398, section AA, which expands the 10 cents per line surcharge to additional phone lines.

It includes in the required data reporting section, data that will be needed to use new federal funding to determine eligibility for grants.

The rule also changes the definition of underserved to reflect the recent changes in ConnectMaine's unserved definition.

It makes changes in the infrastructure grants program to reflect the input ConnectMaine has received as a result of public outreach, and the increase in federal funds coming for broadband. These changes will allow ConnectMaine greater flexibility in developing and evaluating applications. It also updates to the required reporting for grantees.

It simplifies the community broadband planning grants process for communities.

The adoption of this rule will clarify certain provisions of the grant making process, allowing the Authority to provide greater support for projects that provide the greatest relative improvement of service. The rule will allow for flexibility in the evaluation process to address state policy goals, and to reflect the changes in the use of broadband service as a result of the pandemic response. It also will allow for more community engagement in the grant process.

**ConnectMaine Authority
Rulemaking Responses to Written Comments
October & December 2021**

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Summary of Written Comments Received

Designations of Broadband Service, and Unserved & Underserved Areas

[The following comments capture the shared confusion or desired clarifications expressed by all who submitted written comments.]

- intent to establish a specific speed tier for Broadband Service and other specific tiers for underserved areas, while appropriate to provide certainty to the definition, will create inconsistencies that will lead to confusion, implementation difficulties, and potential challenges [Three sets of comments included agreement on broadband service as 100/100, but raised question on underserved areas being based on service between 50/10 and 100/100 with less than two providers. Suggestions on combining the definition of under and unserved were also made. Several comments related to the designations made by the ConnectMaine Authority earlier this year, unrelated to the posted rule itself.]

- Response: The statute requires designating broadband service, and unserved & underserved areas in the rule. These are individually described because the statute requires designation of unserved areas and underserved areas individually. The statute requires the process to be identified in rule. This process was used when the ConnectMaine Authority most recently decided on these designations. The posted rule includes both the criteria and the speeds of service. On the advice of the Attorney General, the posted rule includes the numeric speeds of service used in these designations. The posted rule reflects the process of designating broadband service, unserved & underserved areas, and the posted rule is consistent with the decisions made by the ConnectMaine Authority. The process includes staff research, public input and justifications that are considered as part of making these decisions.
- There are logical inconsistencies within § 5 leaving underserved versus served indeterminate for some combinations of speed and number of providers.
 - Response: Underserved areas are those areas where a provider offers service at less than 100/100 but more than 50/10. Served areas are those areas that have at least one provider offering service of 100/100. ConnectMaine specifically reopened the rulemaking process to clarify §5 of this rule.
 - ConnectMaine is continually trying to improve its Broadband Availability Map through data collection efforts with both the industry and communities. This information is refined through the Opportunity to Review Areas in the rule and the required provider outreach of the infrastructure grants program.
- Is an “area” street by street, city or census block by block, town by town?
[There were several sets of comments that questioned how “area” is defined, noted that internet service is often inconsistent across a town or road, and sought that a definition recognize this inconsistency.]
 - Response: The use of area is no less ambiguous than previous versions of the rule; where relevant, “area” is further described in the infrastructure grants program materials.

Michael Porter, Chebeague Resident

§5 states: Unserved areas are any geographic area that the Authority has determined is to have service available of at least 50Mbps download and 10Mbps upload pursuant to criteria governing performance set forth in section 5 A sub 1 of this Chapter.

This cannot be correct. "at least" would have to be "less than", but then the statement is inconsistent with §5,A."

- Response: Service that is 50/10 or below is unserved.

CTIA – The Wireless Association

[CTIA objects to the designation of broadband service at 100/100mbs and encourages ConnectMaine to keep its “existing holistic criteria for defining broadband.” CTIA states 100/100 or other symmetrical requirements do not allow for wireless technologies, and thus that standard is not “technology neutral” and should be lowered to 100/20 as that is standard wireless technologies can meet.]

- Response: The designation of broadband service doesn’t accommodate specific technologies, as that would NOT be technology neutral; instead, ConnectMaine based the designation of broadband service on using the limited taxpayer funded resources to build broadband networks than can meet today’s rapidly increasing demand for services, especially upload services, and allows upgrades as demand for speeds and lower latency grows without rebuilding the existing infrastructure. This designation is technology neutral as it reflects broadband use and demand that all data indicates will only increase over the life of the networks that these funds will build.

Charter Communications

[Comments submitted after reopening rulemaking continue to express opposition to the designation of broadband service at 100/100mbps, which the ConnectMaine Authority adopted in April, confirmed in June and is codifying in this rule.]

Defining broadband service as lack of service at less than 100/100 is over broad and does not reflect the way customers uses broadband today and risks misuse of limited funding to not reach areas most in need.

- Response: ConnectMaine Authority set this standard in April 2021, and is codifying it in this rule. The standard of 100/100 to define broadband is justified, as noted in other comments from GWI, because of the exponential increase in demand for broadband over the past two years. ConnectMaine realizes that there are limited funds to expand broadband service to areas of the state, and thus has designated broadband service at 100/100mbps. The designation isn't based on what various technologies can deliver today, but instead based on the ability to easily upgrade speeds and latency for future use without rebuilding infrastructure. While ConnectMaine appreciates Charter's consistency in opposing 100/100 for this designation of broadband service, designating underserved areas at less than 100/100 relates to ensuring funds are used to meet the greatest relative improvement, as the statute requires. ConnectMaine has, from the beginning of this process, taken that section of the statute very seriously and will, through grants application process, give preference to areas of the state that have the worst service. ConnectMaine believes this is the most cost-effective strategy for the long term to ensure best use of limited funds.

Removal of Broadband Service provider in the definition and concern with regulatory distinction between broadband service and communications service. Concerns about imposing a fee on broadband service:

- Response: The posted rule makes no changes to this currently effective rule language. The definitions added in the posted rule are for the addition of the 10-cent surcharge to apply to cell service and VOIP in addition to landlines. The language in the posted rule is identical to the language used by the Public Utilities Commission in its adopted rule to define an identical fee for the purposes of e-911. This proposed rule change addresses the fee on phone numbers, and doesn't impose a fee on broadband service.

Change the term "usage limits"

[Comments included removal of language that allows mobile service to be eligible for funds.]

- Response: The posted rule makes no changes to the currently effective rule language around usage limits. The currently effective rule indicates that mobile providers who voluntarily contribute to the fund could be eligible for funds; with the expansion of the surcharge to cellphones, this rule language allowing mobile providers to be eligible is warranted.

Authority should avoid mapping and data components that are inconsistent with the federal regulatory framework (including pricing data)

- Response: With the exception of requesting information on additional speeds that allow for the use of upcoming federal funds most efficiently, this rule makes no changes to the currently effective rule language.

Mount Vernon Broadband Committee

[§3 required filing of data & §4 protection of confidential information: Comments that metadata should be publicly published and not converted to mapped features.]

- Response: The posted rule makes no changes to these sections of the currently effective rule.

Chris Johnson, Town of Somerville Select Board Chair

improving the process for accepting data to confirm the presence of served, underserved, or unserved designation for an area

Defining Broadband Service as 100/100 with performance criteria necessary for the use of common broadband applications and network services is necessary and appropriate. There is a responsibility to invest public dollars in infrastructure wisely, so it ensures the infrastructure will be capable of serving the public well for years to come.

§5(B)1.a "Subscriber ocation" should be "Subscriber Location"

- Corrected.

§ 5(B)1, a and b can be combined given the definition of Subscriber Location.

- Response: These are individually described because the statute requires designation of unserved areas and underserved areas individually.

importantly, making the preference criteria no longer primarily the capital cost per potential subscriber, but instead weighting Cost Benefit by Project Scope and Project Value factors. Density and other factors contributing to cost as well as the value including pricing and affordability plans are now part of the calculation, and rightly so.

- Response: These considerations are part of the grant process, not the designation of served and unserved in rule.

Gregory M. Kennan, attorney for Biddeford Internet Corp., d/b/a GWI

improvement is the definition of “Subscriber Location” in §2

recommended expanding eligibility to include underserved areas...commended. Noted that current national internet use data demonstrates increased usage of the internet and thus justifies the new definition of served at 100/100 this rule proposes.

- Response: The statute requires funding both unserved and underserved areas.

Grants availability and invitations should specify what criteria will be used to evaluate applications, more explicitly. §6.B.2 “...a copy of the evaluation process at the time of the announcement...” should be expanded to specify “...a copy of the evaluation process pursuant to the criteria set forth in sections 6.A through 6.F above at the time of the announcement...”

- Response: The statute and rule require grants to be evaluated according to the rule, and this level of specificity is part of the grants program materials.

proposal to require audits of successful bidders unfortunately lacks teeth and should be taken further to ensure its effectiveness... go further by including specific enforcement and remedy measures

- Response: The audit is a contractual process where specific consequences and enforcement are contained in the contract that grant recipients sign with ConnectMaine.

-

Ben Sanborn, Telecommunications Association of Maine

deviating from statutory requirements. Specifically, 5 MRS § 8052(2)(A) states: "Requirements. Any public hearing shall comply with any requirements imposed by statute, but shall not be subject to subchapter IV. Any public hearing shall be held and conducted as follows. A. In the case of a rule authorized to be adopted by more than one agency member, at least 1/3 of the agency members shall be present." While one board member was visibly present, Susan Corbett, it is not clear that there were any other board members participating. Additionally, last rule a was adopted without a written basis statements.

- Response: The rule adopted last year did include a written basis statement.
- The rule process was restarted as a result of the need to substantially alter section 5. This rulemaking process did not have a public hearing, so the objection about the previous rule making process in October of 2021 is moot.

In Section 2...the definition of Common Applications and Network Service...how many connections are meant by multiple. Is it just two? Is it intended to be more than that, and if so, how many?

- Response: Websters Dictionary defines multiple as” something in units of more than one or two”. The language does allow for the continued growth of the use of the internet at home and reflects the current data that most households have an average of 10-25 connected devices at any one time, which was national data noted in other comments.

consideration of whether a proposed project will diminish the value of an existing private investment...proposed removal of that language...is inconsistent with §9202-A...inhibiting or impeding private investment...proposed removal of that language...is inconsistent with §9202-A

- Response: ConnectMaine does not feel striking this language reduces our ability to build on existing investments that support the expansion of broadband service. In fact, current service providers are most likely to be the lowest cost option for building out a network. That is reflected in the proposed change in language, with a continued emphasis on cost.

the phrase "and equivalent to the proposed project" to the existing language regarding whether, without support, advanced communications infrastructure would be built within the same time frame as the proposed project...deviation from the statutory requirement.

- Response: The process of designating broadband service is in the posted rule as recently used by ConnectMaine. The posted rule language is consistent and allows an “apples to apples” comparison, which is reflected in the project scope component of this rule. The requirement that applicants reach out to current providers also provides a backstop for projects that would overbuild an existing provider’s planned infrastructure improvements.

the Authority may opt to waive these criteria and determine greatest relative improvement using alternative criteria...this language undermines the concept of a transparent and predictable structure for the use of public dollars.

- Response: Greatest relative improvement is identified as a requirement in statute. ConnectMaine traditionally has seen that as an improvement in service, and will continue to emphasize that as spelled out in the posted rule. In a rare case where different applicants are offering identical services to a project area, this language allows ConnectMaine to look at alternate strategies beyond only the quality of service to decide grant awards.

An audit of grant awardees will: "evaluate suitability of the project as constructed to provide the type of services and performance identified in the grant process, and to ensure conformance with generally-accepted industry standards." ...what suitability means or what conformance to industry standards means.

- Response: ConnectMaine believes that verification and validation of infrastructure through an audit process ensures that public funds are used in a way that is consistent with the statutory goals, this rule and the intended use of public funds.

SUMMARY: This Chapter describes the operation of the ConnectMaine Authority.

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§ 1 PURPOSE

The purpose of this Chapter is to implement the provisions of the Advanced Technology Infrastructure Act contained in 35-A M.R.S., Chapter 93. This Chapter describes the operation of the ConnectMaine Authority.

As stated in 35-A M.R.S. §9204-A, duties of the Authority include:

1. Establish criteria defining unserved and underserved areas;
2. Promote use of broadband service;
3. Support local and regional broadband planning;
4. Support broadband investment;
5. Facilitate state support of deployment of broadband infrastructure;
6. Collect and disseminate information; and
7. Administer funds.

§ 2 DEFINITIONS

As used in this Chapter, the following terms have the following meanings.

- A. **Advanced Communications Technology Infrastructure.** “Advanced communications technology infrastructure” means any communications technology infrastructure or infrastructure improvement that expands the deployment of or improves the quality of broadband service or fixed wireless service coverage and can perform common applications and network service.
- B. **Authority.** "Authority" means the ConnectMaine Authority established in 35-A M.R.S. §9203.
- C. **Broadband Service.** “Broadband service” means a two-way, always-on, communications service that provides access to public data networks and the Internet, without usage limits and meets certain performance criteria determined ~~annually~~ by the Authority pursuant to §5 of this Chapter to be necessary to use common applications and network services.
- D. **Common Applications and Network Service.** “Common Applications and Network Service” means the ability to deliver multiple commonly used applications simultaneously for consumer use over the network. Including:
 1. Real-time, synchronous voice and video communication, including video conferencing used in remote learning, telehealth, and remote working;
 2. Audio and video streaming;
 3. Network and cloud-based applications; including office productivity tools, e-commerce, and government services;
 4. Network file and data storage, sharing, retrieval, visualization, and search;
 5. E-Sports, interactive gaming, and other recreational use;

6. Home and business automation, security, and telemetry; and
 7. Any other application or network service that facilitates communication, and information exchange for the purposes of education, business use, telemedicine and other economic purposes.
- E. **Communications Service.** “Communications service” means any wireline voice, satellite, data, fixed wireless data or video retail service.
- F. **Communications Service Provider.** “Communications service provider” means:
1. Any entity offering communications service to customers in the State; or
 2. Any facilities-based provider of mobile wireless voice or data retail service that voluntarily chooses to be assessed by the Authority under 35-A M.R.S. §9211 sub 2.
- ~~G. **Household.** “Household” means a house and its occupants, regarded as a unit.~~
- HG. **Infrastructure.** “Infrastructure” means a physical component or collection of physical components that provide the basic support for distributing advanced communication technology services.
- H. **Interconnected Voice over Internet Protocol Service (Interconnected VoIP).** “Interconnected Voice over Internet Protocol Service” or “interconnected VoIP” means a service that enables real-time, two-way voice communications; requires a broadband connection from the user’s location; requires internet protocol-compatible customer premises equipment (CPE); and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.
- I. **Line.** A "line" is any wired or wireless connection capable of real-time concurrent inbound or outbound voice communication calls that are made or received to or from the public switched telephone network. For the purposes of this Chapter, private branch exchange (PBX) lines and Centrex lines are considered to be lines. For the purposes of this Chapter, the number of lines a service provider provides to a subscriber shall be deemed to equal the number of inbound or outbound calls the subscriber can maintain at the same time using the service provider’s service.
- ~~J. **Subscriber Location.** A “subscriber location” means any location at which there could be one or more subscribers of communications service, including but not limited to a house, apartment, apartment complex, condo complex, other dwelling unit, a business, business complex, medical facility, community building, government facility, or other facility.~~
- JK. **Mobile Communications Service Provider.** “Mobile communications service provider” means any facilities-based provider of retail mobile wireless voice or data service ~~that voluntarily contributes to the ConnectMaine Fund.~~
- L. **Voice Network Service Provider.** “Voice Network Service Provider” means a voice service provider that offers its subscribers the means to initiate or receive voice communications using the public switched telephone network.

~~K~~M. **Underserved Area.** “Underserved Area” means any geographic area where broadband service exists, but where the Authority has determined that the service is inadequate pursuant to criteria set forth in section 5(C) of this Chapter.

~~L~~N. **Unservd Area.** “Unservd Area” means any geographic area that the Authority has determined is without broadband service pursuant to criteria set forth in section 5(B) of this Chapter.

§ 3 REQUIRED FILING OF DATA

In order to achieve the purpose, set forth in §1, the following is required:

A. **Communications Service Provider.** The authority shall collect data annually from communications service providers and any wireless provider providers that own or operate advanced communications technology infrastructure in the State data concerning infrastructure deployment for the purpose of developing mapping information to assist the authority in implementing the provisions of section 9202-A: pricing data for advertised retail pricing for broadband services offered in the State and revenue data for the purpose of assessing communications service providers subject to section 9211. The authority shall permit providers that have provided data to the authority at a level of detail that the authority has determined acceptable to continue to provide the data in the same format. For mapping data, the authority, whenever possible, shall use data formats consistent with data formats used for mapping at the federal level.

1. Pricing data for advertised retail pricing for broadband services offered in the State:
 - a. Narrative description of any affordability option and the relevant qualifying criteria and the number of subscribers who have taken advantage of this provision within the prior year;
 - b. Narrative description of range of pricing and service options available in the State;
 - c. The cost and speeds of the most subscribed to standalone internet offering;
 - d. The cost, speeds, and other components of the most subscribed to bundle or package that includes internet service;
 - e. Cost range for 100mbps/100mpbs or faster service; and
 - f. Revenue data for the purpose of assessing communications service providers subject to §7.
2. Data to help the authority determine extent of broadband service in Maine:
 - a. Address level data that includes the technology and maximum speeds available; or
 - b. A map that depicts points showing the extent of broadband service provided by the provider and delineates the availability of different service speeds, including areas where 25mbps/3mbps is available; where 50mbps download and 10mbps upload is available; where 100mbps download and 20mbps upload is available; and anywhere where 100mbps/100mbps or faster is available; or

- c. Other information that ~~shows~~depicts points showing the extent of service ~~lines~~availability, the type of broadband service provided and actual delivered maximum service speeds and latency.
3. If a communications service provider does not provide ConnectMaine with data set forth in §3 within three months of the annual request in the format ConnectMaine requested, that provider will not be eligible for ConnectMaine funding for the following round of grants, or until the data is provided, whichever comes first, absent an affirmative vote by the board prior to opening a grant round that a provider is eligible.
4. Reports containing data set forth in §3 for the previous year are due within one month of filing the required Federal Communications 477 data or its successor. Filings shall be made via a secure electronic transmission.
5. **Additional Information.** The Authority may request and communications service providers may voluntarily provide additional information to determine availability of broadband service in specific geographic locations to assist in evaluating or developing infrastructure grant proposals. Any information collected pursuant to this subsection shall be held as confidential by the Authority and may be used for only the purposes set forth in this subsection.

§ 4 PROTECTION OF CONFIDENTIAL INFORMATION

- A. **Protected Information.** Pursuant 35-A M.R.S. §9207, all data concerning infrastructure deployment, pricing and revenue data included but not limited to service area and types of service data provided to the Authority is confidential and therefore not a public record under Title 1, section 402, subsection 3. An entity submitting information protected under this section will mark the top of each page in large, conspicuous typeface “CONFIDENTIAL.”
- B. **Removal of Confidential Designation.** The removal of the confidential designation for data provided pursuant to §3 of this chapter can only occur upon a determination made by the Authority that extenuating circumstances warrant this action; that the removal of confidential designation is as narrow as possible under the circumstances; and that any party who has provided confidential data has both actual notice of the Authority’s intent and has an opportunity to comment on the removal. In making this determination, the Authority will consider:
 1. **Standard.** The Authority will protect from public disclosure information concerning any communication service infrastructure that could facilitate the intentional, illegal interference with a communications service or mobile communications service.
 2. **Criteria.** In determining what information is to be removed from information protected as critical infrastructure, the Authority will consider:
 - a. The extent to which the information could facilitate the disruption of critical emergency or other government communication services such as E911;

- b. The extent to which the information could facilitate the disruption of public communication services;
 - c. The ease or difficulty with which a person could acquire or duplicate the information from other sources; and
 - d. The degree to which third parties have placed the information in the public domain or rendered the information “readily ascertainable.”
- C. **Exception to Public Record Law.** Information designated as confidential by the Authority is not a public record under Title 1, section 402, subsection 3, per the authority granted in 35-A M.R.S. §9207.

§ 5 DESIGNATION OF BROADBAND SERVICE AND ELIGIBLE AREAS

- A. **Broadband Service.** ~~At least annually, and subject to a thirty (30) day comment period, the Authority must determine the minimum performance criteria for broadband service, for the purposes of this Chapter. In determining performance standards for Broadband Service, The Authority must base its criteria on the state of the market, the percentage of households with access to broadband service within a municipality or other appropriate geographic area, as well as the performance necessary to meet the current broadband needs of common applications and network services.~~ Common Applications and Network Service in use in the State. The Authority defines adequate Broadband Service as 100mbps download and 100mbps upload.
1. **Criteria Governing Performance.** To determine minimum performance criteria, the Authority may consider:
- a. Minimum sustained bandwidth for both upstream and downstream transmission in Common Applications and Network Service;
 - b. Maximum monthly throughput on a flat rate service offering; and
 - c. Any other performance criteria necessary for the use of Common Applications and Network Service ~~common broadband applications and network services.~~
- B. **Unserved Areas.** ~~At least annually, and subject to thirty (30) day comment period, the Authority shall designate all geographic areas that are unserved. In making determining such an unserved designation, the Authority shall consider data collected pursuant to §3 of this Chapter, the percentage of households with access to broadband service within a municipality or other appropriate geographic area, as well as other data sources that the Authority deems credible and appropriate to help make this determination.~~
1. **Broadband Unserved Areas.** In designating an unserved area, the Authority must find the following criteria:
- a. ~~Broadband service is not offered at any household within the geographic area pursuant to the most recent data submitted under §3 or other~~

~~credible data sources utilized by the Authority;~~ Unserved areas are any geographic area that the Authority has determined is to have service available of at least 50Mbps download and 10Mbps upload pursuant to criteria governing performance set forth in section 5 A sub 1 of this Chapter.

- b. ~~Broadband service is not offered to any other potential subscriber within the geographic area pursuant to the most recent data submitted under §3 or other credible data sources utilized by the Authority.~~
- e. ~~The extent to which the broadband service meets the criteria governing Common Applications and Network Service.~~

C. **Underserved Areas.** ~~In determining such an underserved designation, The~~ the Authority, ~~subject to a thirty (30) day comment period, shall consider data collected pursuant to §3 of this Chapter, the percentage of households with access to broadband service within a municipality or other appropriate geographic area, as well as other data sources that the Authority deems credible and appropriate to help make this determination. The Authority shall designate any geographic area as an underserved area and, therefore, eligible for a grant. when the Authority finds that:~~

1. ~~Credible evidence has been presented that less than 20% of the households within a geographic area have access to broadband service. The use of grant funds is limited to only the unserved portions of the area~~ Underserved areas of the state are areas that have service available at greater than 50mbps download and 10mbps upload, but less than 100mbps download and 100mbps upload pursuant to Criteria Governing Performance set forth in section 5 A sub 1 of this Chapter.

D. **Opportunity to Review Proposed Designation of Unserved and Underserved Areas**

1. ~~Annually, based on the data provided by communication service providers, the Authority shall post a list of any geographic areas identified. The Authority will publish a publicly available web-based map that identifies geographic areas in an infrastructure grant application as unserved or underserved pursuant for the purpose of confirming the availability of broadband service within that geographic area based on the most recent data submitted under §3 or other credible data sources utilized by the Authority.~~
2. ~~The Authority shall allow 30 days for the requesting entity data to be submitted from any existing provider, grant applicant or other credible data sources, utilized by the Authority to confirm the availability, or lack thereof, of broadband service~~ Broadband Service prior to designating any geographic area an underserved area. The Authority may allow this additional data to be provided biannually.

§ 6 CONNECTMAINE AUTHORITY SUPPORT

In order to achieve the purpose set forth in §1., the Authority shall determine:

- A. **Priority Eligibility Criteria.** The Authority shall establish eligibility criteria, which may include criteria related to proposed broadband service performance; technical, managerial

and financial capacity, and experience to operate the network of the applicant or partner; completion of required outreach to providers; proposed project timeline; and level of financial commitment. The applicant and communications service provider must be in compliance with ConnectMaine rules for data filing and grant tracking. The Authority may establish eligibility criteria related to project areas, which may include identifying, proposing or considering unserved and underserved areas eligible for grants, and the percentage of unserved and underserved subscriber locations to be served.

B. Prioritization of infrastructure projects. The Authority may divide infrastructure grant applications by project area or by type of eligible applicant and then prioritize proposals within an application period.

1. Preference Criteria. The Authority may establish one or more criteria to prioritize funding of all eligible infrastructure grant applications. The Authority shall give preference among eligible infrastructure grant applications to projects in unserved and underserved areas that provide the greatest relative improvement to existing internet service in unserved areas. In determining what constitutes relative improvement, the Authority will consider the following criteria:

1a. The improvement in the speeds and latency of service, the level of existing internet service available and the level of broadband service proposed, the numberpercentage of potential subscriberSubscriber Locations to be served at that proposed level of broadband service by the project, and the capital cost per potential subscriber to extend advanced communications technology infrastructures to potential subscribersmay include other factors;

2. Whether Authority support for the project will inhibit or impede private investment in the area;

3. Whether Authority support for the project will diminish the value of prior investment in advanced communications technology infrastructure used to provide broadband service or mobile communications service within the area; and

4b. whether without the Authority's support for the project, the installation of adequate advanced communications technology infrastructure as defined in §5(A) and equivalent to the proposed project would not otherwise occur within the same period.

5. The increase in download and upload speeds. In specific circumstances, the Authority may opt to waive these criteria and determine greatest relative improvement using alternative criteria as part of an application process.

2. Evaluation of Applications for Infrastructure Grants. The application evaluation process will allow the Authority to evaluate all applications submitted during a particular application period that has been set by the Authority. In addition to eligibility and any preference criteria, the application will be judged using the following categories:

a. **Cost-Benefit.** Cost-benefit is the amount of funding requested from the Authority per subscriber location in unserved and underserved areas to be served by the project, which is then weighted by Project Scope and Project Value factors.

i. **Project Scope.** The weight of project scope is based on relevant factors that may include the number and/or density of potential subscriber locations to be served by the project, the applicant's financial commitment to the project, and other factors that may increase the cost or difficulty in expanding broadband service.

ii. **Project Value.** The weight of project value is based on relevant factors, that may include the estimated retail price per potential subscriber location to receive service, any affordability offering proposed, and other factors that may increase the value of the proposed project.

BC. Eligible Applicants. Applicants eligible to receive Authority support may include the following:

1. **For Community Planning Grants**

- a. General-purpose local governments (municipalities, groups of municipalities and counties);
- b. Groups or regional partnership of general-purpose local governments;
- c. Local government authorities, and joint or multi-county development authorities; and
- d. Non-profit local or regional community organizations that are providing local or regional economic development programs.

2. **For Infrastructure Grants**

- a. Communications service providers;
- b. Units of local government including broadband utility districts; and
- c. Any other responsible entity or group determined by the Authority to be capable of installing, using, and managing advanced communications technology infrastructure in the area.

CD. Eligible Activities. Eligible uses of funds provided under the ConnectMaine Fund include activities, facilities, and services described in 35-A M.R.S., Chapter 93, including the provision of public infrastructure, services, facilities and improvements needed to implement new broadband services, enhance existing broadband services, implement new mobile communications service, or enhance existing mobile communications service or the provision of technical and financial assistance to support local and regional broadband planning activities, to unserved areas. Funds may also be used for matching requirements, "gap" financing, and grants, that may assist projects in qualifying for other sources of

funding, as well as any other activities that are integral and necessary for the development, installation and use of a broadband or mobile communications system.

DE. **Application Process.** The Authority will initiate a round of grant-making through public announcement. Applicants will be provided information on how to apply for a grant and a copy of ~~a grant scoring guide~~ the evaluation process at the time of the announcement of the grant round. The application process is subject to change, depending on funds available for granting, but will include, at a minimum the following provisions:

1. **Infrastructure Grant Application.** The application for a grant to build infrastructure will include, at a minimum, the following:
 - a. identification of proposed project area, which must meet the eligibility criteria established by the Authority pursuant to §6(A)(1), and which shall include a description and GIS enabled map and with sufficient information to establish that it meets which areas meet the Authority's definition of an unserved or underserved area, as set forth in section 5 of this Chapter;
 - b. a description of the proposed project, including: public-private partnerships that have been established; evidence that the partners in the project are eligible to receive funding from the Authority; the type of service to be provided and, in the case of broadband service, the upstream and downstream speeds of the service to be provided; an estimate of the time required to complete the proposed project; the percentage distribution of ~~households and businesses~~ potential Subscriber Locations within the area to be served by the project; and the estimated price per ~~customer~~ subscriber of the service to be provided by the proposed project;
 - c. a description of the financials of the proposed project, including: the total amount of funding requested from the Authority; the amount and sources of the applicant's financial commitment to the project in addition to the funding requested from the Authority, and the maximum project cost broken down by major cost categories; and
 - de. the estimated number of ~~customers~~ potential Subscriber Locations in the proposed project area who that will directly benefit from the project, of those the estimated number in unserved and underserved areas, who are currently unserved or underserved and the number of locations that will be left in unserved areas in of the affected community;
 - fe. evidence of community support for the proposed project, which may include letters or signatures of residents or businesses located within the area of the proposed project a high-level network design, including: a description identifying the network of the broadband infrastructure proposed, about which the Authority may request additional information for projects costing \$1,500,000 or more;
 - gf. certification that the applicant has contacted the incumbent service provider(s) in the project area regarding current or impending plans for broadband infrastructure expansion and a description of such contact;

- hg. ~~Timeline~~a timeline for completion of the proposed project; and
- ih. ~~All infrastructure grantees must agree in writing to provide certification of net neutral services in the provision of broadband internet access service across advanced communications technology infrastructure constructed with the use of the state funds-, in that Net Neutral Services must be provided for all subscriber locations that were funded in full or in part with any State funds.-For, and for~~ the purposes of this section Net Neutral Services shall have the same meaning as MRSA 5 Section 1541 B.

~~2. **Evaluation of Applications for Infrastructure Grants.** The application evaluation process will allow the Authority to evaluate all applications submitted during a particular application period that has been set by the Authority. In addition to evaluation of the greatest relative improvement offered by the project, the application will be judged using the following scoring categories:~~

- ~~a. **Cost Benefit.** The cost benefit scoring is based on relevant factors, including, but not limited to, the amount of funding requested from the Authority per customer eligible location to be served by the project, with lower funding per customer receiving a higher cost benefit score. Subscriber locations in underserved areas will not be scored; and~~
- ~~b. **Community Support.** The community support score is based on relevant factors, including, but not limited to, evidence of community support for the project and the percentage of households within the project area that will be served by the proposed project;~~
- ~~c. **Project Scope.** The project scope score is based on relevant factors, including, but not limited to, the number of customers to be served by the project, the type and, when relevant, the speed of service to be offered by the project and the applicant's financial commitment to the project; and~~
- ~~d. **Project Value.** The project value score is based on relevant factors, including, but not limited to, the estimated price per customer to receive service from the proposed project and any other details of the project that may benefit customers in the area proposed to be served by the proposed project.~~

~~32. **Planning Grant Applications.** The Authority may request the following information in an application for a planning grant, which may also be required as a report upon completion of a ~~An applicant for a community broadband planning grant shall may address the following information:~~~~

- ~~a. a description of the area proposed to be the subject of the study and plan for broadband expansion;~~
- ~~b. a description of the applicant, including any public private partnerships that have been established to seek the planning grant;~~

- ~~e. a description of any institutions or entities within the community that would qualify as an “anchor institution” that are supportive of broadband expansion;~~
- ~~d. the amount requested from the Authority to support the planning project;~~
- ~~e. the applicant’s financial commitment to the study and planning for broadband expansion in the community;~~
- ~~f. the applicant’s in-kind contribution to the study and planning for broadband expansion, including commitment of labor (paid or volunteer) and community resources;~~
- ~~g. an attestation that funds provided by the applicant for purposes of funding the planning project do not consist of in-kind contributions from the applicant or a vendor or private business that proposes to build, operate or provide retail services using broadband infrastructure constructed pursuant to the planning grant, pursuant to 35 A MRSA §9217(4);~~
- ~~h. a description of community support for broadband expansion in the form of letters or testimonials;~~
- ~~i. the estimated number of customers who currently have access to broadband service within the proposed project area;~~
- ~~j. the estimated number of unserved customers who could be served by expanded broadband infrastructure;~~
- ~~k. a description of the contact that the applicant has had with any incumbent service provider(s) in the community regarding current or impending plans for broadband infrastructure expansion; and~~
- ~~l. a description of any prior applications by the communities within the area of the grant application, either jointly or individually, for community planning grants.~~
- a. a description of local broadband needs and goals;
- b. an inventory of existing broadband infrastructure assets within the municipality, municipalities or region;
- c. a gap analysis defining the additional broadband infrastructure necessary to meet identified needs and goals;
- d. one or more potential network designs, cost estimates, operating models and potential business models based on input from broadband providers operating within the municipality, municipalities or region and any other parties that submit a network design solution in the course of developing the plan to address any broadband gaps identified in paragraph c; and

- e. an assessment of all municipal procedures, policies, rules and ordinances that have the effect of delaying or increasing the cost of broadband infrastructure deployment.

4. ~~Planning Grant Evaluation process.~~ The Authority shall provide grants for planning projects to municipalities, groups of municipalities or nonprofit local or regional community economic development organizations to develop plans to expand the availability of broadband service in accordance with the following provisions:

- a. ~~The authority shall score each application using the following scoring categories:~~
- i. ~~Community Support.~~ The community support score is based on relevant factors, including, but not limited to, the scope of participation by residents of each affected community in the application process and the amount of economic support to be provided by members of each affected community.
 - ii. ~~Project Focus.~~ The project focus score is based on the degree to which the application proposes a project that is likely to produce the required results set forth in 35-A MRSA §9217(1).
 - iii. ~~Project Preparation.~~ The degree of completeness with which the applicant has provided the required information set forth in subsection 3.
 - iv. ~~Financial Commitment.~~ The amount of financial support to be provided by members of each affected community.

The Authority must ensure that community broadband planning grants are equitably distributed throughout unserved and underserved areas of the state and that the grants encourage collaboration between multiple communities.

F. Financial Commitment. The authority shall ~~may~~ give preference to applications with a financial commitment fund up to 25% of the total award amount upon the granting of an award, subject to recapture by the Authority in the event of failure to successfully complete the grant. If a community includes a financial commitment toward planning, those funds may not consist of in-kind contributions from the municipality or funds provided by a vendor or private business that proposes to build, operate or provide retail services using broadband infrastructure constructed pursuant to the planning grant ~~Full payment shall be awarded upon successful completion of the grant as set forth in subsection 5.~~

The Authority shall ~~make all plans developed using grant funds available on the Authority's website.~~

5G. Project Completion and Evaluation. A project will be considered successfully completed and eligible for final payment only if it complies with the following provisions.

a~~1~~. **Infrastructure Grants**

- i~~a~~.** Projects of less than \$1,500,0000, that have received grant approval must be completed within one year of receipt of funds from the Authority or within 180 days of all licenses and permits or governmental approvals necessary to complete the project, whichever later occurs, unless a waiver is granted by the Authority due to unforeseen circumstances. Projects that are over \$1,500,000 will have a contractually agreed to completion date; and
- ii~~b~~.** Within one year of receipt of funds from the Authority or within 180 days of all licenses and permits or governmental approvals necessary to complete the project, whichever later occurs, the recipient must submit a report demonstrating completion, or in the case of a project that has been granted an extension of the one-year time period for completion, a report of progress. Such report must include an itemization of costs for which the Authority's funding was used ~~as well~~ including a description of the service that has been created through use of the funds.

b~~2~~. **Planning Grants**

- i~~a~~.** Planning projects that have received grant approval must be completed within one year of funding unless a waiver is granted by the Authority due to unforeseen circumstances; and
- ii~~b~~.** Upon the date of completion, the recipient must submit a report with sufficient detail to allow the authority to determine whether the Plan generated by the project will lead to the expansion of the availability of broadband service in unserved and underserved areas, which may comply with 35-A MRSA §9217(1) to include the following information: ~~as follows:~~
 - 1~~i~~.** Define local broadband needs and goals;
 - 2~~ii~~.** Inventory existing broadband infrastructure assets within the community or region;
 - 3~~iii~~.** Include a gap analysis defining the additional broadband infrastructure necessary to meet identified needs and goals;
 - 4~~iv~~.** Include one or more potential network designs, cost estimates, operating models and potential business models based on input from broadband providers operating within the community or region; and
 - 5~~v~~.** Include an assessment of all municipal procedures, policies, rules and ordinances that have the effect of delaying or increasing the cost of broadband infrastructure deployment.

~~The authority will provide final funding for only plans that comply with the provisions of 35 A MRSA §9217(1). The Authority shall make all plans developed using grant funds available on the Authority's website.~~

- 63. Project Completion and Evaluation/Validation.** Projects with a total cost of less than \$1,500,000 and that have received grant approval, including planning projects, must be completed within one year of receipt of funds from the Authority or within 180 days of all pole licenses and permits or governmental approvals necessary to complete the project, whichever later occurs, unless a waiver is granted by the Authority due to unforeseen circumstances. Projects where the total cost exceeds \$1,500,000 will have a contractually agreed to completion schedule. Within one year of receipt of funds from the Authority or of all licenses and permits or governmental approvals necessary to complete the project, whichever later occurs, the recipient must submit a report demonstrating completion, or in the case of a project that has been granted an extension of the one-year time period for completion, a report of progress. ~~Such report must include an itemization of costs for which the Authority's funding was used as well as description of the service or the planning study that has been created through use of the funds.~~
- a. ~~When a completion or progress report is submitted for disbursement of grant funds, it shall include a description of the service or the planning study that has been created through use of the funds, an itemization of project costs, documentation supporting costs, and any other elements of the relevant report that is required by the Authority.~~
 - b. ~~For any grants awarded by the Authority for infrastructure deployment project, the Authority shall perform an audit of the project. The grant awardee shall provide information requested by the Authority for the purposes of this audit, and the grant awardee shall provide access for inspection of plant and equipment funded by the grant award. The audit shall evaluate consistency of the constructed project with subscriber locations identified in the grant process and with project expenditures reported. The audit will also evaluate suitability of the project as constructed to provide the type of services and performance identified in the grant process, and to ensure conformance with generally-accepted industry standards.~~
- 6H. Infrastructure Grant Tracking.** For any grants awarded by the Authority for infrastructure deployment project, the grant awardee shall, ~~annually submit an annual report for 5 years from the date of the grant award, after the project is completed~~ provide the Authority data on the infrastructure deployment project that includes:
- a. ~~The number of households within the project area that did not have access to broadband service;~~
 - b. ~~The percentage of households in the project area that subscribe to broadband service from the grant awardee that is below the effective broadband service level set by the Authority;~~

- c. ~~The percentage of households within the project area subscribe to broadband service from the grant awardee that is at or above the effective broadband service level set by the Authority;~~
- d. ~~The broadband option from the grant awardee subscribed to by the largest number of customers in the project area;~~
- e. ~~The price and speeds for the following services:~~
 - i. ~~The broadband offering with the lowest annual cost;~~
 - ii. ~~The broadband offering with the highest upload and download speeds; and~~
 - iii. ~~The broadband offering taken by the greatest number of subscribers within the project area;~~
- f. ~~The number of businesses that take service from the grant awardee in the project area; and~~
- g. ~~The total number of businesses in the project area. The report will include number of Subscriber Locations in the project area that subscribe to broadband service provided by the project on June 30th of each year.~~

Information collected under ~~this subsection~~ §6(G)(3) and §6(H) shall be considered confidential pursuant to 35-A MRSA §9207. The Authority shall aggregate the data on an annual basis and include aggregated information as deemed appropriate by the Authority in its annual report.

§ 7 **ConnectME FUND**

- A. **Assessment.** The statutory assessment is imposed on the value of the following:
 1. All retail revenues received or collected from communications services provided in Maine.
 2. All retail revenues received or collected from mobile communications service providers that voluntarily agree to be assessed by the Authority.
 3. Beginning January 1, 2020, a surcharge of 10¢ per line or number per month is assessed and collected on a monthly basis. If the communications service provider recovers the amount from its customers, it shall identify this surcharge on each customer bill as "ConnectME Statewide Broadband" and indicate that the funds are collected for use in the ConnectME fund."Starting January 1, 2022 each of the following voice network service providers who provide service to end-user retail customers in Maine shall report the number of their Lines or Working Telephone Numbers in Maine and shall contribute to the ConnectMaine Fund under the provisions contained this Section: local exchange carriers, interconnected voice over Internet protocol service providers, and mobile communications service providers. If the voice network service providers who provide service to end-user retail customers recovers the amount from its

customers, it shall identify this surcharge on each customer bill as “statewide broadband access fund” surcharge on the customer's bill.

B. Reporting and Remittance

1. **Local Exchange Carriers.** Subject to the limitation provided by Subsection B (4) of this Section, within thirty days after the end of each calendar quarter, each local exchange carrier shall report to the fund administrator on forms provided by the fund administrator the number of its Lines, including Centrex and PBX lines, or Working Telephone Numbers that are providing voice telephone service in Maine at the end of each month of the preceding quarter.
2. **Providers of Interconnected VoIP Service.** Subject to the limitation provided by Subsection B (4) of this Section, within thirty days after the end of each calendar quarter, each provider of interconnected VoIP service shall report to the fund administrator on forms provided by the fund administrator the number, at the end of each month of the preceding calendar quarter, of its active interconnected VoIP Lines or Working Telephone Numbers that have a registered location within Maine. Providers of interconnected VoIP service must adhere to the requirements of 47 CFR §9.5(d).
3. **Providers of Mobile Telecommunications Services.** Subject to the limitation provided by Subsection B (4) of this Section, within thirty days after the end of each calendar quarter, each provider of mobile telecommunications services, except for prepaid wireless providers, shall report to the fund administrator on forms provided by the fund administrator for the end of each month of the preceding quarter the number of its mobile telecommunications services Lines or Working Telephone Numbers whose place of primary use is in Maine.
4. **Limitation on Reporting by Billing Account Number.** For the purposes of Subsections B (1), (2), and (3) of this Section, the reporting service provider shall not report more than twenty-five Lines or Working Telephone Numbers per active Billing Account Number.
5. **Contribution Calculation and Remittance.** Each service provider that must report its lines or customers to the fund administrator under the provisions of Subsections B (1), (2), or (3), subject to the limitation provided by Subsection B (4), shall calculate its required contribution to the ConnectMaine Fund by multiplying the number of Lines or Working Telephone Numbers reported for each month by 10 cents. Under procedures established by the fund administrator, the service provider must remit its required contribution to the fund administrator at the time it files its required report for each quarter.
6. **Confidentiality.** For the purposes of this Chapter, the counts of Lines or Working Telephone Numbers that must be reported to the fund administrator pursuant to the provisions of Subsections B (1), (2), or (3) of this Section will be considered Confidential Business Information, pursuant to the provisions of 35-A M.R.S. §9207-sub 1 & 2.

- BC.** **Additional Funds.** Any additional funds the Authority collects pursuant to 35-A M.R.S. Chapter 93 shall be paid into the ConnectME Fund to be used for the purposes authorized by statute and in accordance with this Chapter.
- ED.** **Fund Administrator.** The Authority will contract with an appropriate independent fiscal agent to serve as the Fund Administrator. The administrator will establish the time and procedures for payment after consultation with the Authority.

§ 8 WAIVER OF PROVISIONS OF CHAPTER

Upon the request of any person subject to the provisions of this Chapter or upon its own motion, the Authority may, for good cause, waive any of the requirements of this Chapter that are not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or 35-A M.R.S. Chapter 93.

STATUTORY AUTHORITY: 23 M.R.S. §3360-A; 35-A M.R.S. §§ 9201-9218.

History

EFFECTIVE DATE: This chapter, a major substantive Final Adoption (filing 2007-228), was approved as to form and legality by the Attorney General on May 30, 2007. It was filed with the Secretary of State on May 30, 2007 and becomes effective on June 29, 2007.

EFFECTIVE DATE: This chapter, a major substantive Final Adoption (filing 2019-091), was approved as to form and legality by the Attorney General on May 31, 2019. It was filed with the Secretary of State on May 31, 2019 and became effective on June 30, 2019.

EFFECTIVE DATE: This chapter, a routine technical adoption (filing 2019-215), was approved as to form and legality by the Attorney General on November 26, 2019. It was filed with the Secretary of State on November 27, 2019 and became effective on December 2, 2019.

**Before the
CONNECTMAINE AUTHORITY**

Re:)
)
)
Proposed Edits to ConnectMaine Authority)
Rule (C.M.R. 99-639, Chapter 101),)
Section 5)
)

COMMENTS OF CTIA

Pursuant to Assistant Director MacLagan’s November 2, 2021 e-mail request, CTIA¹ offers the following comments on the ConnectMaine Authority’s (“Authority’s”) proposed revisions to C.M.R. 99-639, Chapter 101, Section 5 (the “Proposed Rule”).²

Wireless broadband is serving an increasingly critical role in delivering broadband to Maine, with fixed wireless broadband service, in particular, providing speeds that meet and exceed customers’ broadband needs, but the Proposed Rule would establish symmetrical upload/download speed requirements for the definition of “broadband” that could effectively exclude wireless-based solutions by codifying a speed standard that tacitly favors fiber-based solutions. Such a definition risks exclusion of wireless technologies that can help to meet

¹ CTIA – The Wireless Association (“CTIA”) (www.ctia.org) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st century connected life. The association’s members include wireless carriers, device manufacturers, and suppliers as well as app and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

² The Proposed Rule comes in response to Maine’s 2021 Appropriations Act, which, among other things, imposes a \$0.10 per line surcharge on telecommunications customers, including wireless customers, to support the ConnectMaine Fund. *See* 35-A MRSA §9211, sub-§2-A (2021) (“In addition to the assessment imposed pursuant to subsection 2, a [monthly] ConnectMaine surcharge of 10¢ per line or number, referred to in this subsection as “the surcharge,” is imposed as provided in this subsection [...] Beginning January 1, 2022, the surcharge is levied on: (4) Customers of cellular or wireless telecommunications service that is not prepaid wireless telecommunications service.”)

consumer needs in unserved and underserved areas. It would also run contrary to statutory requirements that the Authority fund projects in a competitively-neutral manner.

Accordingly, the Proposed Rule should be amended to remove the symmetrical 100 Mbps download/upload requirements and keep the Authority’s existing, holistic criteria for defining broadband eligible for support. The existing approach requires a pragmatic look at a number of market and geographic factors to determine broadband speeds appropriate for support. If the Authority wishes, however, to implement a static speed requirement for the definition of “broadband,” it should be set at 100 Mbps download/20 Mbps upload. As CTIA demonstrates herein, such requirements are more than sufficient to meet growing consumer needs for broadband, both now and in the future.

I. WIRELESS CAN SERVE A CRITICAL ROLE IN DELIVERING BROADBAND TO MAINE AND CLOSING THE DIGITAL DIVIDE

Wireless technology has a critical role in meeting Maine’s broadband needs and closing the digital divide, and the Authority should not adopt any rules that favor particular technologies as solutions to bringing broadband to unserved and underserved areas in Maine.

Currently, wireless providers are rolling out the latest generation of fixed wireless broadband options, also known as 5G home service, that meet—and surpass—Americans’ broadband needs. Most 5G home services already offer speeds capable of 100+ Mbps down and 20+ Mbps up, with some 5G home services reaching up to 1 Gbps down and 50 Mbps up. As Wells Fargo analysts recently noted, “5G home broadband ... should offer a compelling solution in more rural markets ... in particular.”³ Goldman Sachs agrees, finding that wireless providers “will have some near- to medium-term success with their 5G fixed wireless access (FWA)

³ See CTIA, “5G for Home Broadband—The Next 5G Breakthrough” (May 27, 2021), *available at* <https://api.ctia.org/wp-content/uploads/2021/05/5G-Home-One-pager-x.pdf> at 1-2 (last accessed Dec. 5, 2021).

offerings in under-served areas ... as these services will likely deliver average speeds of 100-300 Mbps.”⁴ In a recent report, “Accenture estimates the wireless providers’ 5G [fixed wireless broadband] deployment could serve up to nearly half of American’s rural household, with at least one new 5G [fixed wireless broadband] provider serving each of those communities.”⁵ The report examined fixed wireless broadband deployment in New England, using western New Hampshire as a case study to illustrate the benefits of fixed wireless broadband.

Fixed and mobile wireless solutions provide synergy for consumers in unserved and underserved areas: Bringing fixed wireless broadband to an area means there will be mobile wireless deployment in that area as well, and fixed wireless access leverages the buildout of the 5G network to reduce service costs, increasing the affordability of FWA offerings.

Americans’ continuing reliance on wireless service cannot be overstated. According to CTIA’s 2021 Annual Survey, wireless subscriptions grew to 468.9 million in 2020. Americans are using their devices more and more. Americans consume 108 times as much mobile data traffic now as compared to 2010.⁶ And increasingly, wireless broadband solutions offer additional value by enabling applications such as Internet of Things, connected cars, and smart agriculture that wired solutions cannot deliver. In particular, low-income Americans are increasingly opting for wireless solutions for their communications needs. According to the National Center for Health Statistics, in 2021, 68% of adults and 79.1% of children lived in wireless-only households for phone service.⁷ Studies show that many low-income Americans

⁴ See *id.* at 2.

⁵ See Accenture (commissioned by CTIA), “5G Fixed Wireless Broadband: Helping Close the Digital Divide in Rural America” (Nov. 15, 2021), available at <https://api.ctia.org/wp-content/uploads/2021/11/CTIA-Rural-HHs-mini-POV-V2-20211115.pdf> at 5 (last accessed Dec. 5, 2021).

⁶ See CTIA, “2021 Annual Survey Highlights” (Jul. 27, 2021), available at <https://www.ctia.org/news/2021-annual-survey-highlights> (last accessed Dec. 5, 2021).

⁷ See Stephen J. Blumberg & Julian V. Luke, *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January – June 2021*, Division of Health Interview Statistics, National Center for Health

prefer mobile broadband as their single broadband solution, as demonstrated by the fact that wireless is currently the only broadband connection for over a quarter of low-income households.⁸ The COVID-19 pandemic only emphasized the importance of mobile broadband for low-income consumers. Early enrollment data from the FCC’s Emergency Broadband Benefit, which provides qualifying households a \$50/month discount on their broadband service,⁹ illustrates this point. As of November 2021, there have been 7.4 million enrollees in the program – more enrollees than the long-serving federal Lifeline program for low-income consumers – and among those enrollees, more than two-thirds have elected to use their discount for wireless service.¹⁰

Accordingly, the Authority should ensure its rules are competitively-neutral to recognize that both wired and wireless solutions will be needed to meet its goals of connecting Maine’s citizens to broadband statewide.

II. THE AUTHORITY SHOULD REMOVE THE PROPOSED 100/100 Mbps SYMMETRICAL SPEED REQUIREMENT, OR REPLACE IT WITH A COMPETITIVELY-NEUTRAL 100/20 Mbps REQUIREMENT

The Proposed Rule would amend Section 5A of the Authority’s rules, which outlines the criteria the Authority is to use to make a determination of minimum performance standards for a service to be classified as “broadband” for the purposes of, among other things, Authority grants

Statistics (Nov. 2021), available at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202111.pdf> (last accessed Dec. 5, 2021).

⁸ See Pew Research Center, “Internet/Broadband Fact Sheet” (Apr. 2021), available at <https://www.pewresearch.org/internet/fact-sheet/internet-broadband/#who-is-smartphone-dependent?menuItem=20864b5f-4589-4e03-aad1-c1737fbd07cb> (last accessed Dec. 5, 2021).

⁹ The Infrastructure Investment and Jobs Act replaces the Emergency Broadband Benefit with the Affordable Connectivity Program in 2022. The Affordable Connectivity Program will have a slightly smaller benefit for consumers not on Tribal lands (\$30/month instead of \$50/month) but the overall structure of the program, and its intent, will remain largely the same.

¹⁰ See Horrigan, John, “An Evolving Level of Service: How Lifeline and the New Affordable Connectivity Program Can Deliver the Broadband Low-Income Households Need” (Dec. 1, 2021), Benton Institute for Broadband & Society, available at <https://www.benton.org/blog/evolving-level-service> (last accessed Dec. 5, 2021).

of funding. The Proposed Rule adds a clause to the rules that states: “The Authority defines adequate Broadband Service as 100mbps download and 100mbps upload.” Given that wireless broadband is more than sufficient to meet the needs of Maine households, a 100 Mbps “symmetrical” speed requirement would equate to an arbitrary preference favoring fiber-based solutions, contrary to statute. Moreover, such a standard is out of sync with Americans’ usage trajectory and inconsistent with the speed benchmarks used by expert agencies. Accordingly, it should be removed from the Proposed Rule.

Symmetrical speed requirements, such as the one in the Proposed Rule, inappropriately favor fiber-based solutions, and risk excluding wireless solutions, due to upload speed requirements that are unnecessary (as will be explained further below). As noted in the previous section, wireless solutions play a critical role to meet Maine’s broadband needs, and consumers have widely embraced wireless broadband in the marketplace. The Authority should not adopt rules that disfavor or prevent funding these options.

The Authority is also required by statute to fund projects “in a competitively neutral fashion and without giving preference to any one form of technology over another.”¹¹ But a symmetrical 100/100 Mbps speed requirement would serve to distort competition in Maine’s telecommunications marketplace by disproportionately directing State funding to fiber-based technologies, notwithstanding the robustness of wireless solutions. That market distortion is worsened by the Appropriations Act, passed in 2021, which applies a ConnectMaine surcharge to customers of wireless. Wireless consumers are now responsible for contributing to a program that risks excluding wireless participation, meaning that many wireless customers will be paying

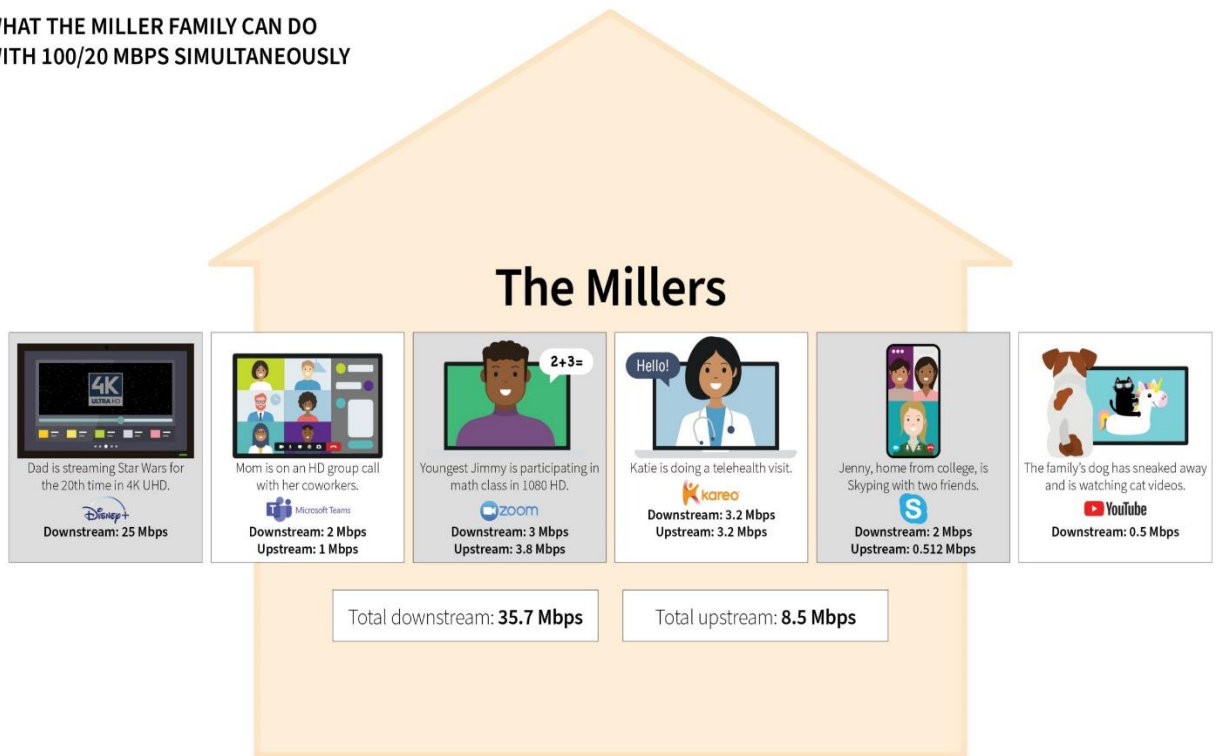
¹¹ 35-A MRSA §9213.

to subsidize services they have rejected while the service they have selected is functionally ineligible.

By contrast, a 100 Mbps download and 20 Mbps upload requirement would provide consumers the service they need now and in the future while enabling the Authority to consider additional technologies, such as wireless broadband infrastructure, to meet Maine’s needs. CTIA’s information shows that 100/20 Mbps broadband speed is actually more than enough for the vast majority of households now—and will be in the future as well.

Consider the graphic below, “What the Miller Family Can Do With 100/20 Mbps Simultaneously,” which illustrates that even a family of five, with each member simultaneously engaged in significant broadband usage, does not come close to needing 100/20 Mbps speeds:

WHAT THE MILLER FAMILY CAN DO WITH 100/20 MBPS SIMULTANEOUSLY



The Miller family’s usage consists of the following:

- The father is streaming a movie in 4K ultra high definition;
- The mother is on a Microsoft Teams call with her coworkers;
- One child is having a telehealth visit with her doctor on Kareo Telehealth’s platform;
- Another child is using Skype with two friends;
- The youngest child is using Zoom to participate in his math class; and
- Another YouTube video is being streamed in the background.

Yet the total bandwidth needed to support all this simultaneous usage, according to the relevant apps themselves, is only *35.7 Mbps downstream and 8.5 Mbps upstream*.¹²

While adequate upload speed is necessary, the appropriate threshold for upload speed does not need to be nearly as high as for download speed for the vast majority of consumers—even in a post-pandemic world—and especially if the Authority’s goal is universal service in Maine. Over 90 percent of wireless broadband traffic today is downstream. This has been the case for years and has remained true during the COVID-19 pandemic.¹³ Videoconferencing is sometimes cited as a reason why consumers might need greater upload speeds, but Zoom recommends nothing higher than a 3.8 Mbps upload speed recommendation even for group video calling,¹⁴ and Skype requires only a minimum of 128 Kbps upload for video calling (with 4 Mbps minimum, and 8 Mbps recommended by Skype for group videos with seven or more participants).¹⁵

¹² See also Brad Gillen, “5G—The Missing Ingredient to Closing the Digital Divide”, CTIA Blog (May 27, 2021), available at <https://www.ctia.org/news/5g-the-missing-ingredient-to-closing-the-digital-divide> (last accessed Dec. 5, 2021).

¹³ See *id.*

¹⁴ See Zoom, Help Center, “System requirements for Windows, macOS, and Linux,” available at <https://support.zoom.us/-hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux> (last accessed Dec. 5, 2021).

¹⁵ See Skype, Help, “How much bandwidth does Skype need?,” available at <https://support.skype.com/en/faq/FA1417/how-much-bandwidth-does-skype-need> (last accessed Dec. 5, 2021).

From a policy perspective, the Authority should look to federal broadband affordability programs that have been implemented successfully, and neither the FCC nor the National Telecommunications and Information Administration (“NTIA”) have required speed capabilities above 100/20 Mbps in any of their broadband support programs. Under the Biden Administration’s NTIA Broadband Infrastructure Program, authorized by Congress in December 2020, extra “points” are given for the ability to provide 100/20 Mbps service, but services offering speeds at or above 25/3 Mbps are eligible for funding.¹⁶ The FCC’s Rural Digital Opportunity Fund auction allowed providers to bid on four different performance tiers with varying speed and usage allowances, including a 25/3 Mbps tier and a 50/5 Mbps tier,¹⁷ and the FCC 5G Fund Order requires only median download and upload speeds of at least 35/3 Mbps.¹⁸ And the Rural Utilities Service Reconnect Program, which funds construction of broadband networks in rural areas, allows applicants to propose speeds of only 25/3 Mbps.¹⁹

The examples above illustrate that a broadband service capable of 100/20 Mbps (more than double what is required in the Miller example) is more than sufficient to ensure that current *and* future usage can be accommodated. And accommodating such service would allow for not just fiber, but also wireless, cable, and other solutions to help close the digital divide.

¹⁶ See NTIA, “Broadband Infrastructure Program Notice of Funding Opportunity” (May 19, 2021), *available at* <https://www.grants.gov/web/grants/view-opportunity.html?oppId=333684> at 7 (last accessed Dec. 5, 2021) (defining “qualifying broadband service”).

¹⁷ See FCC, “Economics and Analytics, Auctions, Auction 904: Rural Digital Opportunity Fund, Fact Sheet”, *available at* <https://www.fcc.gov/auction/904/factsheet#technology> (last accessed Dec. 5, 2021).

¹⁸ See *Establishing a 5G Fund for Rural America*, Report and Order, 35 FCC Rcd 12174, 12183 ¶ 20 (2020).

¹⁹ See ReConnect Pilot Program, 84 Fed. Reg. 67913, 67916 (Dec. 12, 2019). While the Treasury Department’s recently released guidance for states using Capital Projects Fund allocations makes a broadband infrastructure project presumptively eligible for funding if it “reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds,” these are not absolute requirements. Moreover, the Capital Projects Fund is not entirely focused on broadband, allowing funding for connectivity technology projects and multi-purpose community facility projects, among other things. See <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf> (last accessed Dec. 5, 2021).

For those reasons, the Authority should delete the clause “The Authority defines adequate Broadband Service as 100mbps download and 100mbps upload” from the Proposed Rule. Instead, the Authority should maintain its current approach to determining minimum performance criteria for a service to be classified as “broadband.” That approach looks holistically at “the state of the market, the percentage of households with access to broadband service within a municipality or other appropriate geographic area, as well as the performance necessary to meet the current broadband needs of Common Applications and Network Service in use in the State.”²⁰

However, if the Authority chooses to keep static speed requirements in the Proposed Rule, they should be amended to no more than 100 Mbps download / 20 Mbps upload for the reasons outlined above, and the Proposed Rule’s definitions of “Unserved Areas” and “Underserved Areas” should be adjusted accordingly.

To the extent the proposed change is being driven by the impact on Authority resources of an annual proceeding to set minimum performance standards, the Authority should instead amend its rules to provide for a longer period between setting minimum criteria for a definition of “broadband.” A three-year cycle would be more reasonable, use less Authority resources, and synchronize with the statutory requirement for the Authority to produce a triennial strategic plan for broadband service that includes a definition of “broadband.”²¹

²⁰ Proposed Rule at §5-A. Counterintuitively, the Proposed Rule also largely maintains the existing language outlining the criteria by which the Authority is to determine minimum performance standards. Beyond the substantive issues identified with the static speed requirement identified earlier in this section, an approach that maintains both an inflexible standard and flexible criteria for a determination of minimum standards seems likely to cause confusion.

²¹ See 35-A MRS §9218.

III. CONCLUSION

CTIA strongly supports the Authority's goal of increasing access to broadband in Maine. Consumers have widely embraced wireless solutions to meet their broadband needs, and the Authority should not disregard that trend (or anticompetitively distort telecommunications competition in Maine) by adopting rules that could exclude wireless broadband solutions from Authority funding. Accordingly, the Proposed Rule should be revised to remove the definition of "adequate broadband service as 100mbps download and 100mbps upload" and maintain its current approach to determining minimum performance criteria for a service to be classified as "broadband," or replace the upload speed requirement of 100 Mbps in the definition of "broadband" with an upload speed requirement of 20 Mbps.

Sincerely,

/s/ Matthew DeTura
Matthew DeTura

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December 5, 2021

From: [Michael Porter](#)
To: [ME, Connect](#)
Subject: Public Comments
Date: Saturday, November 6, 2021 2:39:47 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

In the new rule, §5,B,1,a states:

Unserved areas are any geographic area that the Authority has determined is to have service available of at least 50Mbps download and 10Mbps upload pursuant to criteria governing performance set forth in section 5 A sub 1 of this Chapter.

This cannot be correct. "at least" would have to be "less than", but then the statement is inconsistent with §5,A.

Best,

Michael Porter, Chebeague Island

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Michael Porter
Michael Porter Marine Design
www.mp-marine.com

BEFORE THE CONNECTMAINE AUTHORITY

ConnectMaine Authority Rulemaking

**COMMENTS OF CHARTER COMMUNICATIONS, INC. ON THE PROPOSED
REVISED CONNECTMAINE AUTHORITY RULE**

Charter Communications, Inc. (“Charter”), on behalf of its affiliates Spectrum Northeast, LLC; Time Warner Cable Information Services (Maine), LLC; and Time Warner Cable Business LLC, submits these comments in response to the most recent revised version of the proposed ConnectMaine Authority (“Authority”) Rule (“Proposed Rule”).¹

INTRODUCTION

As stated in Charter’s comments in this Rulemaking,² which are incorporated by reference herein, Charter supports the goal of the Advanced Technology Infrastructure Act (the “Act”) to ensure that all residents, businesses, and institutions in the state have access to high quality broadband internet access service (“BIAS” or “broadband”) and the economic opportunities it brings. While Charter appreciates several of the changes that the Commission has made to ConnectMaine’s Proposed Rules, Charter believes that additional changes are necessary to create incentives for providers to apply for grants under the Program and bring its benefits to all unserved and underserved location in the State.

As the largest provider of broadband services in Maine, and as an active participant in numerous federal, state and local broadband grant programs across the country, Charter has extensive practical experience in implementing such programs and is therefore well qualified to provide valuable insight on the revised Proposed Rules.

¹ 99-639 ConnectME Authority, ch. 101 (“Proposed Rule”). [Revision to Section 5]

² See Charter Communications, Inc.’s Comments, November 12, 2020.

To that end, Charter supports measures to ensure that the Proposed Rule, and its implementation, are designed to maximize the impact of ConnectMaine's grant programs by ensuring that they benefit from a competitive applicant pool and are targeted at areas in greatest need of public support.

As proposed, the current rules would open existing served areas served by high-speed broadband to grant eligibility, rather than more appropriately targeting use of finite funding sources in areas that truly lack broadband access. Moreover, failure to create rules targeted to truly unserved and underserved areas create incentives for efficient use of funds and would delay the Statute's goals of bringing broadband to every location in Maine.

The Definition of "adequate Broadband Service" in Section 5(A) is Overbroad and Could Lead to Inefficient Use of Finite Grant Dollars.

The definition of "adequate Broadband Service" in Section 5(A) and "Underserved" in Section 5(C) eliminate any practical distinction between served and underserved areas and opens areas that currently receive upwards of 1 Gig service to Grant eligibility. This is inconsistent with Statutory goals, fails to address the needs of the unserved or those with minimal broadband connectivity, leading to an absurd result. Specifically, any area of the state where broadband service is currently provided at or above 100/20 mbps should not reasonably be considered as underserved or "inadequate."

For example, Charter's existing Hybrid-Fiber Coax network in the State offers a service tier to residential customers of 1Gig (with speeds up to 1000/35 Mbps download/upload). But under the Proposed Rule, Charter's existing Broadband Service would be deemed "inadequate" because it does not currently offer symmetrical broadband speeds of 100/100 Mbps, even though

the network is scalable to achieve such speeds. Speeds of 100/20 are more than sufficient to meet Common Applications and Network Service requirements as set forth in the Proposed Rules.³ For example, and as provided by the Federal Communications Commission’s Broadband Speed Guide, download speeds of 5-25 Mbps will support students and telecommuting, and streaming of “Streaming Ultra HD 4K Video” takes up to 25 Mbps download.⁴ In terms of upload, to make and send information in HD via zoom on group video call, a user needs only 4 Mbps of upload.⁵ In short, well less than 100 Mbps upload is needed for personal/family use, indeed, according to one publication, “[i]f you’ve got a family all doing work calls and online classes at the same time, you’ll want at least 25 mbps download and 10 mbps upload.”⁶ Accordingly, the definition of “adequate Broadband Service” as a 100/100 Mbps service in Section 5(A) and the speeds outlined as “Underserved” in 5(C) should either be changed to 100/20 Mbps or, as an alternative, refer to the design and capability of a broadband network to offer higher upload/download speeds, and not a restriction on the speed tiers that broadband providers currently offer to consumers or an opening for served areas to receive grants.

CONCLUSION

For the foregoing reasons, Charter encourages the Authority to amend the Proposed Rule as set forth herein.

Melinda Kinney

Charter Communications

³ See *Boom or Bust: Getting Broadband Infrastructure Programs Right*; <https://www.ncta.com/whats-new/boom-or-bust-getting-broadband-infrastructure-programs-right>, March 19, 2021.

⁴ See Federal Communications Commission Broadband Speed Guide, <https://www.fcc.gov/consumers/guides/broadband-speed-guide> (last accessed Nov. 30, 2021)

⁵ See [Zoom system requirements: Windows, macOS, Linux – Zoom Support](http://support.zoom.us/hc/en-us/articles/201362023-Zoom-system-requirements-Windows-macOS-Linux), <http://support.zoom.us/hc/en-us/articles/201362023-Zoom-system-requirements-Windows-macOS-Linux> (last accessed Nov. 30, 2021)

⁶ See “Bad WiFi is slowing you down. Fix yours without spending a dime”, Washington Post, *available at* <https://www.washingtonpost.com/technology/2020/04/29/best-wifi-fix/> (April 29, 2020)

LANGUAGE PROPOSAL:

§ 5 DESIGNATION OF BROADBAND SERVICE AND ELIGIBLE AREAS

A. **Broadband Service.** ~~At least annually, and subject to a thirty (30) day comment period, the Authority must determine the minimum performance criteria for broadband service, for the purposes of this Chapter. In determining performance standards for Broadband Service, The~~ The Authority must base its criteria on the state of the market, the percentage of households with access to broadband service within a municipality or other appropriate geographic area, as well as the performance necessary to meet the current broadband needs of common applications and network services ~~Common Applications and Network Service~~ in use in the State. The Authority defines adequate Broadband Service as capable of providing speeds of 100mbps download and 400 20 mbps upload.

1. **Criteria Governing Performance.** To determine minimum performance criteria, the Authority may consider:
 - a. Minimum sustained bandwidth for both upstream and downstream transmission in Common Applications and Network Service;
 - b. Maximum monthly throughput on a flat rate service offering; and
 - c. Any other performance criteria necessary for the use of Common Applications and Network Service ~~common broadband applications and network services.~~

(C) **Underserved Areas.** ~~In determining such an underserved designation, The~~ The Authority, subject to a thirty (30) day comment period, shall consider data collected pursuant to §3 of this Chapter, the percentage of households with access to broadband service within a municipality or other appropriate geographic area, as well as other data sources that the Authority deems credible and appropriate to help make this determination. The Authority shall designate any geographic area as an underserved area and, therefore, eligible for a grant. when the Authority finds that:

1. ~~Credible evidence has been presented that less than 20% of the households within a geographic area have access to broadband service. The use of grant funds is limited to only the unserved portions of the area.~~ Underserved areas of the state are areas that have service available at greater than 50mbps download and 10mbps upload, but less than 100mbps download and 400 20mbps upload pursuant to Criteria Governing Performance set forth in section 5 A sub 1 of this Chapter.

ALTERNATIVE LANGUAGE:

§ 5 DESIGNATION OF BROADBAND SERVICE AND ELIGIBLE AREAS

A. **Broadband Service.** ~~At least annually, and subject to a thirty (30) day comment period, the Authority must determine the minimum performance criteria for broadband service,~~

~~for the purposes of this Chapter. In determining performance standards for Broadband Service, The Authority must base its criteria on the state of the market, the percentage of households with access to broadband service within a municipality or other appropriate geographic area, as well as the performance necessary to meet the current broadband needs of common applications and network services.~~ Common Applications and Network Service in use in the State. The Authority defines adequate Broadband Service as **Broadband Service capable of meeting a minimum speed of 100/20 mbps and provided over a broadband network designed to provide speeds of 100mbps download and 100 mbps upload.**

1. **Criteria Governing Performance.** To determine minimum performance criteria, the Authority may consider:
 - a. Minimum sustained bandwidth for both upstream and downstream transmission in Common Applications and Network Service;
 - b. Maximum monthly throughput on a flat rate service offering; and
 - c. Any other performance criteria necessary for the use of Common Applications and Network Service ~~common broadband applications and network services.~~

(C) Underserved Areas. ~~In determining such an underserved designation, The Authority, subject to a thirty (30) day comment period, shall consider data collected pursuant to §3 of this Chapter, the percentage of households with access to broadband service within a municipality or other appropriate geographic area, as well as other data sources that the Authority deems credible and appropriate to help make this determination. The Authority shall designate any geographic area as an underserved area and, therefore, eligible for a grant. when the Authority finds that:~~

1. ~~Credible evidence has been presented that less than 20% of the households within a geographic area have access to broadband service. The use of grant funds is limited to only the unserved portions of the area.~~ Underserved areas of the state are areas that have service available at greater than 50mbps download and 10mbps upload, but less than 100mbps download and **100-20**mbps upload pursuant to Criteria Governing Performance set forth in section 5 A sub 1 of this Chapter.

CONNECTMAINE

Principles and Strategies

Toward Transition and Strategic Planning

8 December 2021

Authority Members

Nick Battista, Chair
Jasmine Bishop
Fred Brittain
Susan Corbett
Heather Johnson
Jeff Letourneau
Liz Wyman

Background

With the Maine Connectivity Authority getting set up, staff and board members of both our authorities aim to ensure processes and systems are started, transitioned or continued as smoothly as possible. Mechanisms are needed to ensure staff of MCA can access tools and collaborate with ConnectMaine staff, and a memorandum of understanding about programming that will continue in the near-term is being drafted. A set of shared principles adopted by both authorities would guide and support these new systems and transitions, contributing to the strategic planning and legislative reporting due in the new year.

Shared Principles

With the recently established Maine Connectivity Authority, ConnectMaine proposes these guiding principles for future joint work in achieving statewide broadband:

- Sustain the community of broadband advocates that support local broadband investment and engagement
- Protect and sustain the revenue streams of ConnectMaine, which support ongoing work of expanding broadband availability
- Avoid disrupting the marketplace and ongoing grants programs, and ensure clear, joint communications to the industry, state partners, existing staff and Maine communities about future plans
- Ensure consistency in process and messages, and minimize the potential for confusion, ambiguity and additional overhead related to the existence of two state broadband entities
- Be ambitious, bold, and innovative, and build from our shared work and knowledge, and avoid encumbering the Maine Connectivity Authority with statutory limitations or rulemaking obligations on the ConnectMaine Authority

Motion to adopt the guiding principles for future joint work with the Maine Connectivity Authority toward achieving statewide broadband.

Moving Forward with Collaboration

Work to deliver on statutorily required reports and future efforts to expand the availability of broadband service will also be guided by the following:

- Keeping digital equity central to all efforts
- Continuing to build a common understanding among stakeholders of role of broadband in economic development, education, telehealth, civic engagement and equality
- Further influencing the deployment of federal funds in ways that work for Maine

CONNECTMAINE

Strategies

Building from those principles, ConnectMaine identifies the following strategies for continuing, leveraging or transitioning assets and programs, in collaboration with MCA:

- **Last-Mile Strategy** that continues ongoing work of expanding broadband. Currently, about \$6.5 million remains of the \$15 million bond. A short-term option for the Last-Mile Strategy would be increasing the amount of funds available for infrastructure grants, which will likely be oversubscribed by threefold. This increased investment could occur before the next application window is opened.

Another option for increasing the amount of funds available for infrastructure grants would be to implement a grants program of the Maine Connectivity Authority, which could either mirror ConnectMaine programs or involve more significant changes.

Currently, Grants Verification & Validation addresses accountability in the grants program, from ensuring consistency in the data submitted, considering cost-benefit and other objectives in the application evaluation process, to post-project auditing. A grants portal has been developed to facilitate the application process. For efficiency and continuity, access and use of the grants portal should be expanded to the Maine Connectivity Authority staff.

- **Strategizing Tools** that build on shared knowledge to be ambitious and innovative. The Broadband Intelligence Platform integrates mapping activities, grantmaking and reporting. The federal Capital Projects Fund allows for middle-mile projects that support last-mile projects. If the Maine Connectivity Authority plans to invest in the middle-mile projects based on its statutory authority, then the CPF Project Plan will need to integrate with last-mile projects. The Broadband Intelligence Platform would be critical for this effort.

- **Community Engagement Strategy** that builds local investment and engagement. The community broadband planning support program creates a pipeline of potential projects, gets communities ready for broadband expansion and leverages multiple sources of funds. Committing the first dollars on new ideas, to get communities productively engaged is critical. Budgets should reflect the ability to add new approaches or to change course quickly, in partnership with communities and community organizations that are central to state broadband goals. Implementing a specific plan for Broadband Utility Districts would include regional requirements and specific assistance to support their development and implementation. One option may be to use the statutory Municipal Gigabit Fund.

- **Staffing Strategy** that avoids unnecessary disruptions and duplicative overhead. Achieving the goals and implementing the strategies identified will require maintaining and increasing staff capacity. The last triennial strategic plan, the State of Maine Broadband Action Plan, as well as the ERC, identified two ConnectMaine staff positions as insufficient to achieve the state's plans or goals. The staff needed moving forward is very likely five to six headcount among the two state broadband entities.

Proposed Action: Staff incorporates the principles and strategies into the draft triennial strategic plan, and collaborates with MCA staff to execute an MOU that translates activities from the plan into key functions and work over the next year or so for the two authorities, which includes reporting to the legislature early in the new year with a plan to reassess the collaboration or any statutory changes later 2022.