

# CONNECTMAINE

## December Meeting Notes

6 January 2021

Zoom Recording: [https://networkmaine.zoom.us/rec/share/G0wcPc0DkfuiUi88v24sUzIV0SkQUUjoD\\_JIa3qmzyY60R9ZcGIlhnhCdmNOW1Q0.mtVysiYO9GtKnWp0](https://networkmaine.zoom.us/rec/share/G0wcPc0DkfuiUi88v24sUzIV0SkQUUjoD_JIa3qmzyY60R9ZcGIlhnhCdmNOW1Q0.mtVysiYO9GtKnWp0)

## Authority Members

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

## Introductions of Members and Staff

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

## Meeting Kickoff

Lack of broadband story from Greenbush—Jeff

## Notes of Last Meeting

*Approval* of the November Meeting notes: Fred motioned, Heather 2<sup>nd</sup>, 7:0

## Review of Operations

Executive Director's Report—Peggy

- Connect Kids Now! grants extension request
- 130<sup>th</sup> Legislature bill titles

Board Discussion Welcomed

- New federal relief funds

## Financial Decisions

New England Clean Energy Connect memo and memorandum of understanding—Nick

- Annual planning process for the deployment of funds
- Aligned with the stipulation from the Public Utilities Commission

Board Discussion Welcomed

- Decision making of grantmaking
- Identification of affected communities
- Terms of escrow account
- Staff capacity

*Approval* of authorizing the ConnectMaine Authority Chair to sign the NECEC MOU once finalized and reviewed by the AAG: Susan motioned, Jeff 2<sup>nd</sup>, 7:0

# CONNECTMAINE

Location for third quarter funds and necessary contracts—Peggy

- Background context for the need to move funds from state administration
- Recap ConnectMaine as an independent body
- Solix managed funds before the state, and currently manages revenue

Board Discussion Welcomed

- Effect on the Office of Broadband at DECD

*Action:* Staff will develop a contract for financial management services, and the ConnectMaine Authority Chair to contract Solix for financial management services through the end of fiscal year 2021.

## **Decisions on Planning Grants**

Review of additional information—Peggy

*Approval* of awarding the recommended grant amounts for Community Broadband Planning: Jeff motioned, Fred 2<sup>nd</sup>, 7:0

## **Discussion on Infrastructure Grants**

Additional capacity to implement grant program and audit processes—Peggy

- Progress to-date and remaining objectives
- Drafted RFI for administrative and auditing services
- Drafted RFI for mapping services

Board Discussion Welcomed

- Online portal for grants process
- Cost and benefit of online portal
- Confidentiality, transparency, competitiveness, conflicts of interest
- Staff capacity
- Preparation for online portal

*Approval* of directing staff to issue the two RFIs: Liz motioned, Jasmine 2<sup>nd</sup>, 7:0

Debrief Stakeholder Engagement—Nick

- General support for 2-track process for infrastructure grants program
- Synthesis has been drafted and yet to be finalized or shared
- Chair's initial reactions and questions

Board Discussion Welcomed

- Value of stakeholder engagement process
- Benefits of the 2-track process
- Cost-Benefit scoring category vs award amount based on premises served
- Cost-Benefit scoring category vs long-term benefits of the proposed project
- Future development of the infrastructure grants program in strategic planning
- Weighting of Cost-Benefit in Provider Expansion Projects vs Community-Driven Broadband Projects

# CONNECTMAINE

## Designation of Unserved Areas

Review process for identifying unserved areas—Nick

- Process set in rule and designation is subject to 30-day comment period
- Opportunity to request review of areas

Board Discussion Welcomed

- Benefits of using the Opportunity to Request, Section 5.D
- Information that the area is served (Section 5.D) vs information that the area will be served (Section 6.D)
- Eligibility vs Accountability
- Future consideration of community plans generated without ConnectMaine funds

*Approval* of the process for identifying unserved areas, which is based on the designation of unserved areas in accordance with the ConnectMaine rule, in that the ConnectMaine Authority finds this process utilizes data filed in accordance with §3 of its rule and data from other sources deemed credible and appropriate for the designation of unserved areas in accordance with §5 of its rule: Jeff motioned, Susan 2<sup>nd</sup>, 7:0

Public Comments Welcomed

- Timing of this process in relation to planning projects and work schedules of communications service providers
- ConnectMaine outreach on grants program
- Logistics of potential applicants submitting requests and communication service providers submitting information

## Other Business

Rulemaking—Peggy

- Comments addressed
- Minor revisions to the proposed rule
- Omission of changing “household” to “premise”
- Inclusion of rearranging provisions under grants

*Approval* of the adopting the proposed rule: Jeff motioned, Susan 2<sup>nd</sup>, 7:0

## Public Comments

- Timing of online portal for infrastructure grants program
- Speed testing continues

*Approval* of adjournment: Liz motioned, Jeff 2<sup>nd</sup>, 7:0

# CONNECTMAINE

## November Meeting Notes

2 December 2020

Zoom Recording: <https://networkmaine.zoom.us/rec/share/O39gFxf2ZoVQ1Wz1I79rdADVBMjmjUV2jlpTcXyf5KExsLH1LBf166fWmEz2TkeP.kYfsjFglwbyHycLa>

## Authority Members

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## Introductions of Members and Staff

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

## Meeting Kickoff

Broadband Stories—Nick

- Brooksville resident—Fred

## Notes of Last Meeting

*Approval* of the October Meeting Notes: Jeff motioned, Susan 2<sup>nd</sup>, 6:0

## Review of Operations

Executive Director's Report—Peggy

- USDA ReConnect updates
- Mapping updates and speed test initiative

Review Proposed Budget—Peggy

- Personnel or temporary hires and Support Services for systems set up and facilitation
- Mapping and speed test initiative
- Planning Grants and Grant Matches to maximize broadband investments
- Digital Inclusion or device deployment

Board Discussion Welcomed

- Approval or acceptance of Initiatives in the Proposed Budget
- Amount of Initiatives and remaining balance
- Separating out the Bonds and Federal funds
- Carryover projected expenses for Grant Matches
- Source of Federal funds

*Approval* of the Proposed Budget understanding that its form may change: Jasmine motioned, Susan 2<sup>nd</sup>, 6:0

Action: Staff will create separate spreadsheets to show flow of Bonds and Federal funds

# CONNECTMAINE

## Decisions on Planning Grants

Review Proposed Awards—Peggy

- Recommended awards for Phase I activities
- Recommended awards for Phase II activities

Board Discussion Welcomed

- Seven recommended awards for Phase I activities
- Lessons shared in the Community Broadband Grants Review
- Value and legitimacy of awarding partial grants requested
- Timing of announcing recommended award amounts
- Future changes that could result in awarding full grants requested
- Ensuring award letters allow applicants to decline award amount and seek assistance for future funding opportunities

*Approval* to award the West Waldo County planning grant as recommended by the review team: Jeff motioned, Jasmine 2<sup>nd</sup>, 6:0

Public Discussion Welcomed

- Confusion in this application window and process
- Time for conversations with applicants before making recommendations
- Review team includes an industry member
- Publicly posting applications as submitted or creating a bid process

Action: ConnectMaine staff will work with the review team and applicants to revisit other recommendations by the review team.

Action: Investigate the ability to award partial grants requested.

## Discussion on Activities

Economic Recovery Committee Report—Susan

Status of Infrastructure Grants—Nick

- Debrief public engagement meeting
- Review timeline for moving forward

Board Discussion Welcomed

- Success of stakeholder engagement process
- How do we balance investments with various technology options?
- What elements need additional clarity?
- Do the differences between the Community-Driven Broadband Projects and the Provider Expansion Projects matter enough to warrant separating them into two tracks or categories of projects?
- How can applications be made very clear and simplified while balancing successful review process?
- How should the review criteria be weighted, and what evidence is needed?
- How do we structure the process or build in enough time to be aware of potential projects and support applicants?

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Designation of unserved and broadband service—Nick  
Board Discussion Welcomed

- Designations were made before this pandemic
- Timing with regard to next infrastructure grants application window

## **Board Priorities Reviewed**

Governance Discussion—Nick

- Transition from working board to guiding systems
- Recognition of committee work from Jasmine, Liz and Nick

## **No Other Business**

## **Public Comments**

Making West Waldo County planning grant application public

Getting communities that are, or interested in, planning to share contact information

- Submitting to ConnectMaine for posting on the website
- Communicating through the Maine Broadband Coalition
- Outreach to communities without internet service

Digital inclusion and affordability resources

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## Executive Director's Report

6 January 2021

Peggy Schaffer, Executive Director

## Authority Members

Nick Battista, Chair  
Jasmine Bishop  
Fred Brittain  
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Liz Wyman

### Active grant awards

ConneKIDSNow! Projects are all humming along and close to finished. The relief bill signed by the President late December 27<sup>th</sup> includes an extension on the coronavirus relief funding until December 2021. All recipients were informed on the 28<sup>th</sup>. The extension means Axiom can overcome pole attachment delays that endangered the East Machias & Whiting project under the previous deadline. Because of all the labor LCI is putting into their ConnectKidsNow! project, the grant awarded in June for Bremen has been put on hold until this project is complete, which was featured on WSCH in the last two weeks.

### Federal funds

Long Forms, identifying auction winners' plans for implementing the Rural Digital Opportunity Fund projects, are due in January. These traditionally haven't been made public. Starlink was awarded the area in Somerville, and CCI was awarded Brooksville and the 5 Islands neighborhood of Georgetown.

All of the Maine applicants for ReConnect grants were asked to reapply: The big change from 2019 was that USDA identified farms locations, a key element for scoring, instead of burdening applicants with getting letters of support. This change to a prepopulated database resulted in no grants awarded in New England. Additionally, reapplications must now exclude the areas eligible for RDOF, which is new since the original application. As a result, Somerville and GWI's projects are unlikely viable anymore. Georgetown was still considering whether or not they could move forward.

Of the 2019 projects, Roque Bluffs progressed; although, it is now stopped by the pole attachment process. TDS requires a \$10M insurance liability—whereas CCI, the other pole owner in the project, requires \$5M—plus \$1m on each vehicle the community will use on the project. The Public Utilities Commission has indicated there is little they can do about this significant discrepancy. The other three projects (Arrowsic, Oxford County and Monhegan) are all still battling the bureaucracy of USDA. This is also happening in other states: TN, CO, NC all have ReConnect Projects from 2019 that have yet to get started.

Yet, many national advocates feel that the USDA is a better source for federal funds coming to the states than the FCC. I am working to educate them on the realities of what is actually happening (or not) on the ground.

# CONNECTMAINE

The COVID relief package has several broadband pieces to it. The biggest is a \$3.4B program through the FCC to develop a “lifeline like” program to reimburse ETCs, for up to \$50 of a low-income customer’s bill for the duration of the pandemic, the first significant funding for affordability from Congress in a while. As a result of this, the State has decided not to pursue an affordability program at this time. There is also \$1.5B for broadband expansion on tribal lands and \$300M for other broadband expansion that will run through the NTIA, allowing one application per state likely. NTIA has a short window of time to develop the program and accept applications. The bill also included funding for the FCC to attempt to fix their mapping and for “rip and replace” funding to help ISP’s pull out ZTE and Huawei equipment currently in use.

We had worked closely with Sen. King’s staff on a larger package that would’ve provided block grants directly to the states, similar to the Bridge Act Sens. King and Bennett introduced last year. It would’ve provided \$116M to Maine for infrastructure and digital inclusion. E-Rate funds would’ve been used to support educational activities, including hotspots and devices to help rural students continue to learn during the pandemic. While these weren’t included in the bill passed, they made it into the package presented by the Senate moderate caucus, laying good groundwork as the next Congress looks to fund infrastructure.

## **Rulemaking update**

The final, proposed rule, with comment responses, is ready for adoption. After the vote to adopt, the rule will go to the Attorney General’s Office for final review, and then to the Secretary of State.

## **Staff and program management**

December included continued stakeholder engagement on the objectives and grant review criteria. Debriefing the recent public meeting is included as an agenda item, including general support for a 2-track grants process and limited opposition from the Telecommunications Association of Maine. We also intend to do a grant “workshop” to help potential applicants understand the grant process prior to the application deadline.

We are on target to open an application window for infrastructure grants at the January meeting on the 27<sup>th</sup>. Staff has worked with the Chair to develop a process for identifying unserved areas, another agenda item, including a recommendation of a 45-day minimum window for applications, 60 days would be better. The process recommended would allow potential applicants to identify unserved areas before the 25<sup>th</sup> and those currently identified as served would be publicly posted until February 24<sup>th</sup>.

ConnectMaine continues to work with Tilson Technology and VETRO on the type of support needed to implement the bond funds, and an agenda item will discuss an RFI process for obtaining these services.



# CONNECTMAINE

## **Local and regional planning support**

Both planning grants and the one or two million dollars available this year from New England Clean Energy Connect for the impacted communities to use as community match for any grants from ConnectMaine are on the agenda.

## **Mapping and data update**

Sewall mapping of recent grant projects can be completed as soon as we receive last bit of needed data that's being requested from a provider.

The speed testing initiative that the Maine Broadband Coalition is undertaking had a great month. After launching statewide just before Thanksgiving, over 11,000 speed tests have been taken, from 8,669 unique locations. I authored an article for TechDirt on Maine's speed testing about why states are undertaking this effort to counter FCC mapping that overstates actual broadband availability.

# CONNECTMAINE

## New England Clean Energy Connect MOU

6 January 2021

### Authority Members

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

### Background

The stipulations contained in the Public Utilities Commission approval of the New England Clean Energy Connect Project included various broadband benefits. While not a party to the PUC proceedings or a party to the stipulations, the stipulations call for the establishment of a broadband fund in consultation with ConnectMaine. This is a \$10,000,000 fund to be used for purposes specified in the stipulations, with \$250,000 being made available quarterly for five years.

The proposed Memorandum of Understanding would establish the Broadband Fund at the ConnectMaine Authority and provide for the parties signing the MOU to be included in activities related to reporting and planning for the use of the fund. The MOU outlines the allowable uses for the funds and provides restrictions on their use to benefit a defined set of communities. ConnectMaine would administer the fund and provide reports to the MOU parties on the uses of the fund. ConnectMaine would be responsible for developing a plan on the use of funds and the parties to the MOU would approve that plan. The MOU also provides some direction for the initial use of funds. It is anticipated that funds may potentially be available in early January and there is strong interest amongst the parties to the MOU in getting money out the door.

### Process

ConnectMaine received a presentation about this project and potential MOU from the Governor's Energy Office on December 18. Board members provided various perspectives and input into how to operationalize these stipulations. A draft MOU is being finalized and will be shared with the parties to the MOU and also will be reviewed by the Assistant Attorney General for ConnectMaine.

### Discussion

The MOU and structure of the broadband fund provide ConnectMaine with both a clear set of guardrails on the use of the fund and the sufficient flexibility to maximize the benefits from the fund. By signing it, this MOU would trigger additional responsibilities for ConnectMaine staff. The potential benefits of this work to both the host communities and the state significantly outweigh the added burden to staff of implementing this fund.

### Motion

Authorize the ConnectMaine Authority Chair to sign the NECEC MOU establishing this broadband fund at ConnectMaine, once finalized and reviewed by the AAG.

NECEC TRANSMISSION LINE  
BROADBAND BENEFIT FUND

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is made and entered into as of December [xx], 2020 by and between the Governor’s Energy Office (“GEO”), Office of Public Advocate (“OPA”), NECEC LLC, Hydro Quebec US (“HQUS”) and Connect Maine Authority (“Connect Maine”)(each a “Party” and, collectively “Parties”).

**WHEREAS**, the Maine Public Utilities Commission has issued Orders dated May 3, 2017 and October 20, 2020 authorizing NECEC LLC to construct a new transmission line (Dkt. No. 2017-00232 as supplemented by Dkt. No. 2019-00179);

**WHEREAS**, the MPUC Orders include a number of conditions; one of which requires HQUS to establish a \$10M NECEC Broadband Fund (the “Fund”) to provide grants to support the implementation and maintenance of high-speed broadband infrastructure in host communities through which the new transmission line runs;

**WHEREAS**, the MPUC Orders provide that those payments will be made to an escrow agent, to be held in escrow pending instructions on distribution of the Fund received;

**WHEREAS**, the MPUC Orders require that the details of the Broadband Fund be developed on a collaborative basis by the parties to this MOU;

**WHEREAS**, the parties hereby agree that, subject to the terms of this MOU, the Broadband Fund should be administered by Connect Maine.

**NOW, THEREFORE**, the parties agree as follows:

1. The Broadband Fund will be administered by Connect Maine who shall ensure a reasonably equitable distribution of benefits from the Fund to Host Communities over the life of the Fund in accordance with the MPUC Orders.
2. The Parties shall cooperate in jointly requesting that the Escrow Agent promptly distribute to Connect Maine any payments received by the Escrow Agent for the Broadband Fund.
3. The Broadband Fund may be used to provide grants to qualifying entities for the following purposes:
  - A. Payment of any and all costs to study the feasibility and, if commercially, technically and legally feasible, the implementation and construction of a fiber optic connection between the State of Maine and the fiber optic

network serving Montreal, Province of Québec through NECEC, pursuant to the NECEC Support Agreement discussed in Section V.B, Paragraph 14 of the NECEC I Stipulation, provided that no more than \$2,000,000 of the NECEC Broadband Fund may be used for these purposes;

- B. 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;
  - C. Payment of annual pole license fees in unserved and underserved areas; or
  - D. Payment of make-ready costs for utility poles in unserved and underserved areas;
4. Connect Maine shall annually report to the Parties on the use of Fund in preceding year and present a plan for the use of the Fund in the following year and shall identify the extent to which the Fund will be used for Connect Maine's reasonable costs of administering the Fund.
  5. Before implementation by Connect Maine, the annual Plan for the use of the Fund for the following year must be approved by the Parties and Connect Maine shall promptly alert the Parties if significant changes are warranted or opportunities arise that require amending the Plan.
  - 6.. Connect Maine shall notify the Parties of projects that are awarded funds from the Broadband Fund and also of any major project milestones.
  7. Connect Maine shall make reasonable efforts to notify potential applicants of the availability of Fund and upcoming opportunities to apply for funding from the Fund.
  8. Connect Maine shall ensure that Fund is used in accordance with MPUC Orders governing the Broadband Fund.
  9. Annual plans for use of the Broadband Fund plan shall include
    - A. Provisions for equitable distribution of the Fund
    - B. The intent of these Fund is support the implementation and maintenance of high speed broadband infrastructure in Host Communities and Connect Maine shall

identify places where this goal is most likely to be achieved, with a preference for structures that allow these Fund to supplement other state funding sources.

- C. For initial distributions from the Broadband Fund, Connect Maine shall prioritize support for projects that are likely to have a tangible impact in communities in the near term. Leveraging other funding streams, ensuring affordable access, and balancing funding between different areas are also priorities.

10. Host communities are those defined in the PUC Stipulation dated May 3, 2019 and include municipalities and communities in which NECEC Project is located and communities in Franklin and Somerset Counties materially impacted by the construction and operation of the Project.

11. All formal notices shall be delivered to the following individuals at the following emails addresses:

Party: Governor's Energy Office of the State of Maine  
Name: Dan Burgess  
Email: dan.burgess@maine.gov

Party: Office of Public Advocate  
Name: Barry Hobbins  
Email: Barry.Hobbins@maine.gov

Party: H.Q Energy Services (U.S.) Inc.  
Name: Fill in  
Email:

Party: NECEC Transmission LLC  
Name: Bernardo Escudero Morandeira  
Email: bernardo.escudero@avangrid.com

Party: Connect Maine  
Name: Fill In  
Email:

12. The term of this MOU shall extend to the final distribution and expenditure of all payments into the Broadband Fund by HQUS.

**IN WITNESS WHEREOF**, each of the Parties has caused this MOU to be executed by their respective, fully authorized representatives.

Governor's Energy Office of the State of Maine

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Name: Dan Burgess  
Title: Director

Office of Public Advocate

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Name: Barry Hobbins  
Title: Public Advocate

NECEC Transmission LLC

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Name:  
Title:

H.Q. Energy Services (U.S.) Inc.

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Name: David Murray  
Title: Chairman of the Board and President

Connect Maine

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Name:  
Title:

# CONNECTMAINE

## Community Broadband Planning

6 January 2021

## Grants Review

### Authority Members

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

### Background

ConnectMaine received 11 complete and eligible applications for planning grants. The review team, Susan Corbett, Nick Battista, Kerem Durdag, Maggie Drummond and Peggy Schaffer, determined seven applications proposed Phase I activities and four proposed Phase II activities. The total grant amount requested was \$279,900. This team, supported by Stephenie MacLagan, is the same team that has reviewed the Maine Community Foundation broadband grants.

The review team recommended that all eleven proposed projects be awarded grants for a total of \$89,750 of the \$100,000 budgeted. One proposed project was recommended for awarding the full grant amount requested, and the ConnectMaine Authority voted to award that grant on December 2. Of the other applications, the review team compared proposals with the objectives of Phase I activities—to begin the process of building community-wide support for expanding broadband service—or Phase II activities—to take the community to the next step in planning for expanded broadband, namely a request for proposals process. While the Authority generally agreed with the grant amounts recommended for awards, staff was directed to obtain additional information on how grants would be spent.

### Process

Each of the remaining 10 applicants were issued a review letter requesting a two-page revision of the Project Focus Narrative and Financial Commitment Budget, limiting the grant amount requested to the amount recommended by the review team. Eight of the ten submitted revisions. After reviewing the additional information and the ConnectMaine rule, staff has determined that these projects should be awarded grants and will help these communities meaningfully move forward with Phase I or Phase II activities. If awarded, grants would total \$67,250. ConnectMaine staff recommends the Authority votes to award the grant amounts indicated for the following proposed projects:

#### *Phase I Activities*

Newcastle Broadband Plan, \$5,000  
Northport Broadband Plan, \$2,500  
Portland Islands Broadband Plan, \$6,000  
Rome Broadband Plan, \$2,500  
Starks Broadband Plan, \$5,000

#### *Phase II Activities*

Hampden Feasibility Study, \$5,000  
Jefferson Feasibility Study, \$3,750  
Somerset Feasibility Study, \$32,500

# CONNECTMAINE

## Request for Information on Grant Program Design

6 January 2021

Draft RFI

### Authority Members

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

The ConnectMaine Authority is seeking information from consultants with extensive experience and understanding of technology solutions and building of broadband networks to assist ConnectMaine in the development, program design, program administration, and accountability and audit services for its infrastructure grants program.

This Request for Information (RFI) seeks information from consultants with a strong track record of collaborating with state, regional and municipal governments around the United States. ConnectMaine plans to build off this knowledge to design and implement its broadband infrastructure grants program early in 2021. This includes design and implementation of the broadband infrastructure grants program. ConnectMaine is seeking both general information and also specific interest in working with ConnectMaine on this project.

### Representative Tasks

Assist and advise ConnectMaine on revising its grant design, initially for the \$15 million bond passed in July 2020, in a strategic and scalable fashion to lay the foundation for future grant programs and initiatives. We are seeking information from consultants with expertise in working with state broadband programs. After reviewing responses to the RFI and with negotiations with one or more consultants, ConnectMaine aims to enter into a contract for services to include:

- Review the current ConnectMaine infrastructure grants program, identifying constraints and parameters, as well as opportunities for improvement and revision, to meet the objectives of ConnectMaine
- Develop an online portal to standardize the application process
- Assist, as needed, in the technical review of proposed projects providing subject matter expert review of responses including scoring/ranking responses and recommendations for award
- Assure accountability for state funds is built into the grant process from application to implementation
- Provide additional recommendations for the longevity of the program, ensuring that that the program is scalable moving forward
- Provide legal advice on program changes ensuring state and federal compliance
- Administer post-award audit services



## Request for Information on Mapping Services

6 January 2021

Draft RFI

### Authority Members

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

The ConnectMaine Authority is seeking information from consultants with extensive experience and understanding of broadband infrastructure technology and intelligence to proactively provide services toward the creation of a platform where all relevant local, state and federal data will reside for map-based visualization.

This Request for Information (RFI) seeks information from consultants with a strong track record of collaborating with the public and private sectors around the United States. ConnectMaine anticipates this highly visual project to support efficient and effective communication of returns on investments to its stakeholders. This platform must enable data flow to the state from state-funded projects, contributing to accountability, transparency and impact measurement. ConnectMaine is seeking both general information and also specific interest in working with ConnectMaine on this project.

### Representative Tasks

Proactively assist and advise ConnectMaine on consolidating its mapping activities, in a strategic and scalable fashion to lay the foundation for future grant programs and initiatives. We are seeking information from consultants with expertise in collecting and depicting broadband data from local, fine scales to federal, large scales. After reviewing responses to the RFI and in negotiations with one or more consultants interested in proactive collaboration, ConnectMaine aims to enter into a contract for services to include:

- Review current ConnectMaine maps and data, identifying assets and gaps, as well as opportunities for improvement or additions, to meet its goals and priorities
- Create a platform that supports ConnectMaine in visualizing and analyzing its goals and priorities, estimating costs of potential technology solutions to maximize funds, designing or laying out broadband connections to leverage existing infrastructure, tracking the completion of broadband infrastructure projects on a quarterly basis, measuring progress on the expansion of broadband availability on a yearly basis and calculating returns on investments from public funds and ConnectMaine grants
- Consolidate data and maps to include and visualize layers necessary to identify geographic areas, road segments and individual premise locations, as either eligible or ineligible for federal or state funds (RDOF, ReConnect, CAFII, Census Blocks, etc.)
- Include pre-modeled broadband infrastructure designs and cost estimates, and assist, as needed, in estimating costs of proposed projects and calculating returns
- Develop a toggle option for publicly visualizing infrastructure assets, grant funded projects, expansion of broadband and returns on investments, to help ConnectMaine more efficiently communicate with the public, legislators and other stakeholders

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- Advise on procedures and tools for collaborating with interested communications service providers and local community leaders
- Align the platform with ConnectMaine grant programs by including features in the toggle option that support grant reporting and issue tracking with funded projects
- Provide additional recommendations for the longevity of the program, ensuring that that the project is adaptable and scalable moving forward

DRAFT

# CONNECTMAINE

## Process for Identifying Unserved Areas

6 January 2021

### Authority Members

Nick Battista, Chair  
Jasmine Bishop  
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Heather Johnson  
Jeff Letourneau  
Liz Wyman

### Background

The designation of an area as unserved is at the heart of the ConnectMaine grant process and the key consideration in whether or not the ConnectMaine Authority can provide funding for a project. Areas designated as unserved lack a level of internet service sufficient to meet minimum performance criteria, currently 25/3mpbs. (Designating this level of internet service as sufficient to meet minimum performance criteria is a separate process.) The designation of unserved areas is subject to a 30-day comment period. The ability to identify a specific geography as unserved is limited by the data available to ConnectMaine, and its rules contemplate the use of other data sources that ConnectMaine deems credible.

### Process

Given the investment in broadband infrastructure by the private sector, and the clear intent of the ConnectMaine statute and rules to direct state funds to support expansion of broadband availability in places where the private sector alone can't justify the investment, going forward the ConnectMaine Authority will use the following process for identifying unserved areas.

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/>
- The ConnectMaine Unserved Reports:  
[www.maine.gov/connectme/communities-resources/Broadbandmapping](http://www.maine.gov/connectme/communities-resources/Broadbandmapping)
- Community Broadband Plans posted on the ConnectMaine website:  
[www.maine.gov/connectme/grants/planning-grants/awards](http://www.maine.gov/connectme/grants/planning-grants/awards)

If areas for a proposed project aren't identified as unserved in the above sources, there is opportunity to review such areas: The potential applicant makes the request, which must be submitted by a deadline that is no less than 14 days from public announcement. (ConnectMaine anticipates next announcing the deadline of 25 January 2021.) The request for review must include accurate mapping of address-specific, availability data of actual speeds in the proposed project area, including a map of the geographic area at a fine enough scale to identify street-level data, and the GIS data behind the map. The request may also include the dates and times of speed testing conducted by the method directed by ConnectMaine, customer testimonials or other evidence demonstrating that the areas are unserved.

# CONNECTMAINE

General information of the relevant areas will be posted for the 30-day public comment period.

Public comment on the availability, or lack thereof, of broadband service may be submitted within the 30 days that the relevant areas are publicly posted. (ConnectMaine anticipates this next deadline being 24 February 2021.) ConnectMaine will consider public comments that include accurate mapping of address-specific, availability data of actual speeds in the relevant area, including a map of the geographic area at a fine enough scale to identify street-level data, and the GIS data behind the map, as well as comments that include the dates and times of speed testing conducted by the method directed by ConnectMaine, customer testimonials, engineering schematics or other evidence of the availability, or lack thereof, of broadband service. Information about recent investments and the capabilities of any infrastructure in the relevant areas is highly relevant to ConnectMaine. All this information shall be considered confidential in accordance with Title 1, section 402, subsection 3.

Without public comments and sufficient information that the areas are in fact served, the areas shall be confirmed as unserved by this process.

## **Discussion**

To date, ConnectMaine has relied on its availability map and the unserved reports as the basis for identifying unserved areas. Solely relying on these creates implementation challenges for both applicants and ConnectMaine; this information is often at a larger scale than the level of detail needed in the grant process. The underlying datasets are incomplete, and applicants often come forward with additional, more detailed information about unserved premises in their geography.

The addition of Community Broadband Plans serves to address these deficiencies. This further serves to provide additional impetus for communities to engage in broadband conversations. Having an engaged and active community likely increases takes rates and improves overall project viability. Lowering the barrier between community planning and working with an internet service provider (ISP) to build infrastructure can help projects move forward. ConnectMaine may want to establish a date threshold where older plans need to be refreshed or reviewed. Similarly, ISPs who have expanded service into these areas since plans were created should make sure that both communities and ConnectMaine are aware of those capital investments.

The opportunity to review proposed project areas that aren't identified as unserved upon request is a clear pathway for applicants to propose projects in areas that should be identified as unserved and a clear pathway for ISPs to confirm areas that are in fact served. This opportunity seems to be unique among state broadband programs, attracting observations from Tilson Technology that other programs involve pre-identifying eligible areas for grant entirely prior to the application process. Perhaps that would be an ideal situation; however,

# CONNECTMAINE

the ConnectMaine rule allows the opportunity to review areas on a timeline separate from its grants program timeline.

Further, public comments from both community and industry members have favored allowing the review of areas for proposed projects. This process serves as a way for ISPs and others to engage in conversations about existing infrastructure and any potential overlap before applications are submitted and reviewed. Early conversations benefit entire communities and the industry. The data generated by this process also improves the identification of unserved areas in the future and helps ConnectMaine in its review of applications for grants. This process better reflects the collaborative nature of public-private partnerships and helps connect the infrastructure grant program to work happening on the ground in communities.

## **Motion**

Vote to approve the process for identifying unserved areas, which is based on the designation of unserved areas in accordance with the ConnectMaine rule, in that the ConnectMaine Authority finds this process utilizes data filed in accordance with §3 of its rule and data from other sources deemed credible and appropriate for the designation of unserved areas in accordance with §5 of its rule.

**SUMMARY:** This Chapter describes the operation of the ~~ConnectME~~ ConnectMaine Authority.

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**TABLE OF CONTENTS**

**§ 1 PURPOSE** ..... 3

**§ 2 DEFINITIONS** ..... 3

**§ 3 REQUIRED FILING OF DATA** ..... 4

    A. ~~Broadband~~ Communications Service Provider ..... 4

    B. ~~Mobile Communications~~ Service Provider ..... 5

**§ 4 PROTECTION OF CONFIDENTIAL INFORMATION** ..... 5

    A. Protected Information ..... 5

    B. ~~Issuance of Protective Orders~~ Removal of Confidential Designation ..... 7

    C. ~~Revocation of Confidential Treatment of Information~~ ..... 8

    D. ~~Exception to Public Record Law~~ ..... 8

**§ 5 DESIGNATION OF BROADBAND SERVICE AND ELIGIBLE AREAS** ..... 8

    A. Broadband Service ..... 8

    B. Unserved Areas ..... 9

    C. Underserved Areas ..... 10

    D. Opportunity to Review Proposed Designation of Unserved and Underserved Areas ..... 10

**§ 6 ~~CONNECTME~~ CONNECTMAINE AUTHORITY SUPPORT** ..... 10

    A. Priority Infrastructure Projects ..... 10

    B. Eligible Applicants ..... 10

C. Eligible Activities ..... 11

D. Application Process ..... 11

**§ 7 CONNECTME FUND ..... 16**

A. Assessment..... 16

B. Additional Funds..... 16

C. Fund Administrator..... 16

**§ 8 WAIVER OF PROVISIONS OF CHAPTER ..... 16**

PROPOSED RULE

## § 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 ~~ConnectME~~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 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 ~~the minimum~~ necessary to use common applications and network services.
- ~~D. **Broadband Service Provider.** “Broadband service provider” means a facilities based provider of broadband connections to end users that is required to file Form 477 with the Federal Communications Commission.~~
- D. **Common Applications and Network Service.** “Common Applications and Network Service” means the ability to deliver commonly used applications 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.
- G. **Household.** “Household” means a house and its occupants, regarded as a unit.
- H. **Infrastructure.** “Infrastructure” means a physical component or collection of physical components that provide the basic support for distributing advanced communication technology services.
- 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. **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.
- K. **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. **Unserved Area.** “Unserved 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. **Broadband Communications Service Provider.** ~~All broadband service providers shall file copies of all publicly available portions of FCC Form 477 pertaining to locations in Maine with the Authority within 60 days of the date the Form is filed at the FCC. 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. **Schedule**

- a. ~~Reports containing data for the period July 1 through December 31 are due March 1 the following year or within 30 days after filing at the FCC, whichever is later.~~
- b. ~~Reports containing data for the period January 1 through June 30 are due September 1 of the same year or within 30 days after filing at the FCC, whichever is later.~~

2. **Filing Procedure.** ~~Filings shall be made via a secure electronic transmission, under procedures determined by the Authority.~~

3. **Description of Products and Services.** ~~Along with filing the publicly available FCC Form 477 data with the Authority, each broadband service provider will provide additional information that describes its services as of December 31 or June 30, depending on the filing date. The additional information must include, at a minimum:~~

- a. ~~A general description of each type of broadband service offered and technology used to provide the service; and~~
- b. ~~The retail, non-promotional prices for each offering.~~

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 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 10mbps upload is available; and anywhere where 100mbps/100mbps or faster is available; or
- c. Other information that shows the extent of service lines, 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.

**B. ~~Mobile Communications Service Provider.~~** ~~By March 1 of each year, each mobile communications service provider that contributes to the ConnectME Fund will file the following information with the Authority, with information current as of December 31 of the previous year.~~

- 1. ~~**Map One.** A coverage map at -95 dB in a GIS format and in real-world coordinate space (such as ESRI SHP). This map layer must be a true or false depiction indicating where the mobile communications service provider network operates at -95dB or better, and need not include a continuous qualitative depiction of signal quality across the network;~~
- 2. ~~**Map Two.** A coverage map at -85 dB in a GIS format and in real-world coordinate space (such as ESRI SHP). This map layer must be a true or false depiction indicating where the mobile communications service provider network operates at -85dB or better, and need not include a continuous qualitative depiction of signal quality across the network; and~~
- 3. ~~**Description of Service.** A description containing:~~
  - a. ~~Frequency and/or spectrum (e.g., 700 MHz, Cellular, AWS, PCS, BRS/EBS) band used in each area served;~~

- b. ~~Transmission technology (e.g., EV-DO, HSPA+, TDMA, CDMA, GSM, LTE) in each area served;~~
- c. ~~Areas of digital and analog service; and~~
- d. ~~The minimum upload/download data speeds that users should expect to receive for the deployed technology in the given frequency band;~~
- e. ~~Number of mobile communications devices provided in Maine.~~

§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 may, on its own or upon request of any person or entity, designate information as protected and is confidential and therefore not a public record under Title 1, section 402, subsection 3. may further limit disclosure as provided in 35-A M.R.S.A. §§ 9207(2), to protect the security of public utility systems or to protect the legitimate competitive or proprietary interests of communications service providers and mobile communications service providers. An entity submitting information protected under §4 or an Authority issued protective order, this section will mark the top of each page in large, conspicuous typeface “CONFIDENTIAL.” Each type of confidential information contained in the document must contain a reference to the specific subsection or protective order providing protection.

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. **Critical Infrastructure Information**

- a. ~~Standard.~~ **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 ~~information~~, the Authority will considers:

- ia. The extent to which the information could facilitate the disruption of critical emergency or other government communication services such as E911;
- iiib. The extent to which the information could facilitate the disruption of public communication services; ~~and~~
- iiic. 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.”
- e. ~~**Protected Information.** The Authority must automatically protect and not make public precise infrastructure location and deployment information, including geo-referenced data and the number(s) or extent of market penetration of a service provider’s subscribers and connections in discrete service areas, without a motion for protective order submitted by any provider. This includes, but is not limited to:~~
  - i. ~~Any electronic devices used in the transmission of communication services;~~
  - ii. ~~Wireless towers and transmitters; and~~
  - iii. ~~Distribution plant (including, but not limited to copper and fiber telephone plant as well as coaxial cable).~~
- d. ~~**Information Protected Upon Request.** Upon request, the Authority will designate information other than that described in subsection (4)(1)(c) above as protected if it finds that such information meets the criteria of this subsection.~~

## ~~2. **Proprietary Business Information**~~

- a. ~~**Standard.** The Authority will protect from public disclosure information of a competitive or proprietary nature to the minimum extent necessary to protect the legitimate competitive or proprietary interests of communications service providers and mobile communications service providers.~~
- b. ~~**Criteria.** In determining what proprietary business information will be protected, the Authority will consider:~~
  - i. ~~The value of the information to the provider and its competitors;~~
  - ii. ~~The amount of effort or money the provider expended in developing the information;~~

- iii. — The extent of measures taken by the provider to guard the secrecy of the information;
  - iv. — The ease or difficulty with which others could properly acquire or duplicate the information; and
  - v. — The degree to which third parties have placed the information in the public domain or rendered the information “readily ascertainable.”
- e. — **Protected Information.** The Authority must protect the following proprietary business information without further showing from the providers:
- i. — Information provided pursuant to §3, except if it is otherwise publicly available;
  - ii. — Equipment make and model; and
  - iii. — Non public financial statements.
- d. — **Information Protected Upon Request.** Upon request, the Authority will consider designating other information as protected if it finds that such information meets the criteria of this subsection.
- B. — **Issuance of Protective Orders.** The Authority may, on its own motion or by motion of any person or entity, protect specific information or a class of information that has not been previously designated by the Authority as protected.
- 1. — **Motion for Protective Order.** The party seeking the protective order must submit a Motion for Protective Order or Notice of Protective Order showing how the information meets the standards of either subsection 4(A)(1) or 4(A)(2), and how the protection it seeks is narrowly tailored.
  - 2. — **Filing and Notice.** The Motion for Protective Order or Notice of Protective Order must be submitted to the Authority, which will then post it on its website and distribute to interested parties.
  - 3. — **Opposition to Motion or Notice.** Filings in opposition to or support of the Motion for Protective Order or Notice of Protective Order must be made within seven days of the filing of the Motion or Notice.
  - 4. — **Protective Order Decision.** No later than 14 days after the filing of the Motion Protective Order or Notice of Protective Order the Authority will either issue the Protective Order or deny the motion for the Protective Order, stating its reasons for issuance or denial.
- C. — **Revocation of Confidential Treatment of Information.** The Authority, upon its own motion or upon motion from any party seeking access to information protected under Title 35 A section 9207 issued by the Authority or designated confidential by a provider

pursuant to these rules, may revoke any prior confidential treatment or overrule a particular provider's designation of specific documents as confidential.

1. ~~**Filing of Motion of Revocation.** The party seeking access to the confidential information contained in a Protective Order will file a Motion for Revocation of Protective Order (or in the case of the Authority, a Notice of Revocation of Protective Order) explaining why the information sought does not meet the criteria for protection as established by the Authority in this Chapter or otherwise.~~
2. ~~**Notice of Motion.** If the Motion for Revocation of Protective Order is directed at a specific Provider, the Motion must be served on that Provider and filed with the Authority. If the Motion is directed to a class of Providers, it need only be filed with the Authority. The Authority will post all Motions for Revocation of Protective Order on its website and distribute it to interested parties.~~
3. ~~**Opposition.** Filings in opposition or support of a Motion for Revocation of Protective Order must be made within seven days of the date the Motion was filed.~~
4. ~~**Protective Order Decision.** No later than 14 days after the filing of the Motion Protective Order or Notice of Protective Order the Authority will either issue the Protective Order or deny the motion for the Protective Order, stating its reasons for issuance or denial; provided, that no release of records shall take place before seven (7) days following issuance of a denial of stay request either by the Authority or by a court of competent jurisdiction, whichever later occurs.~~

DC. **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. The Authority must base its criteria on the state of the market as well as the performance necessary to meet the current broadband needs of common applications and network services in use in the State.
  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 broadband applications and network services.

2. ~~Criteria Governing Common Applications and Network Service. To determine common applications and network services, the Authority may consider:~~

- a. ~~Real time voice and video communication;~~
- b. ~~Audio and video streaming;~~
- e. ~~Network applications;~~
- d. ~~Network storage;~~
- e. ~~Interactive gaming;~~
- f. ~~File sharing; and~~
- g. ~~Any other application or network service that facilitates communication, and data and content exchange.~~

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 such a designation, the Authority shall consider data collected pursuant to §3 of this Chapter 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;
- 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.
- c. The extent to which the broadband service meets the criteria governing *common applications and network service as identified in section 5, sub 2* Common Applications and Network Service.

C. **Underserved Areas.** The Authority, subject to a thirty (30) day comment period, 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.

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 area identified in an infrastructure grant application as unserved or underserved for the purpose of confirming the availability of broadband service within that geographic area.
2. The Authority shall allow 30 days for the requesting entity to confirm the availability, or lack thereof, of broadband service prior to designating any geographic area an underserved area.

§ 6 ~~ConnectME~~ CONNECTMAINE AUTHORITY SUPPORT

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

A. **Priority infrastructure projects.** The Authority shall give preference among eligible infrastructure grant applications to projects in unserved 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:

1. The number of potential subscribers to be served by the project, and the capital cost per potential subscriber to extend advanced communications technology infrastructures to potential subscribers;
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
4. Whether without the Authority's support for the project, the installation of adequate advanced communications technology infrastructure would not otherwise occur.
5. The increase in download and upload speeds.

B. **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
- ~~b~~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.

C. **Eligible Activities.** Eligible uses of funds provided under the ~~ConnectME~~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 ~~only~~ 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.

D. **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 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. a description and GIS enabled map of the area proposed to be served by the project and sufficient information to establish that it meets 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 ~~private~~ private partners in the project ~~is~~ 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, ~~which must meet the minimum requirement established by the Authority as set forth in §5 of this Chapter,~~ an estimate of the time required to complete the proposed project, the percentage distribution of households and businesses within the area to be served by the project and the estimated price per customer of the service to be provided by the proposed project;
  - c. the total amount of funding requested from the Authority;

- d. the applicant's financial commitment to the project in addition to the funding requested from the Authority;
- e. the estimated number of customers who will directly benefit from the project who are currently unserved or underserved and the number of locations that will be left unserved in the community;
- f. 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; ~~and~~
- g. 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;
- h. Timeline for completion of the proposed project; and
- i. All infrastructure grantees must agree in writing to provide net neutral services in the provision of broadband internet access service across advanced communications technology infrastructure constructed with the use of the state funds. Net Neutral Services must be provided for all subscriber locations that were funded in full or in part with any State funds. 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 ~~concurrently~~ 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 to be served by the project, with lower funding per customer receiving a higher cost-benefit score;
  - 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 a 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.

3. **Planning Grant Applications.** An applicant for a community broadband planning grant ~~must submit~~ shall address the following information: ~~to the Authority:~~
- 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;
  - c. 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.

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.

The authority may 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. 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.

5. **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. **Infrastructure Grants**
    - i. Projects of less than \$1,500,000, 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. 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 a description of the service that has been created through use of the funds.

**b. Planning Grants**

- i. 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. 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 complies with 35-A MRSA §9217(1) to include the following information: ~~as follows:~~
  1. Define local broadband needs and goals;
  2. Inventory existing broadband infrastructure assets within the community or region;
  3. Include a gap analysis defining the additional broadband infrastructure necessary to meet identified needs and goals;
  4. 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. 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)

- 6. **Project Completion and Evaluation.** 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.

7. **Infrastructure Grant Tracking.** For any grants awarded by the Authority for infrastructure deployment project, the grant awardee shall, annually for 5 years from the date of the grant award, provide the Authority data on the infrastructure deployment project that includes the
- 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 that 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.

Information collected under this subsection 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.

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**§ 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."
- B. **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.
- C. **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.

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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.