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GOVERNOR

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PUBLIC ADVOCATE

March 27, 2019

Chairman Lawrence, Chairman Berry and Members of the Energy, Utilities and Technology Committee,

The Office of the Public Advocate (“OPA”) testifies neither for nor against LD 1063 “An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure” which recognizes broadband Internet as a public necessity. It designates a community broadband system or part of that system as a revenue-producing municipal facility. It allows a municipality to construct, maintain and operate a municipal or multi-municipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services. It prohibits a municipality from providing retail communications services through community broadband systems to nonmunicipal entities. The bill exempts community broadband systems from taxation.

LD 1063 would enable municipalities to build broadband systems, but it would not allow municipalities to operate those systems as a provider. The OPA has generally been very supportive of expansion of broadband, including through municipal efforts. It is very unlikely that a municipality would have any interest in actually being a broadband provider as they generally build the system and then let another provider operate it. The OPA feels this is too restrictive to say that there could never be a municipal operator of a broadband service, particularly for a very small community that may not be able to find a provider willing to operate a system if

it was built with taxpayers' money.

Thank you for your time, attention and consideration of this testimony. The Office of the Public Advocate looks forward to working with the Committee on LD 1063, and will be present at the work session to assist the Committee in its consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink, reading "Barry J. Hobbins". The signature is written in a cursive style with a large initial "B".

Barry J. Hobbins
Public Advocate