

**State of Maine****Office of the Public Advocate****112 State House Station, Augusta, Maine 04333-0112****(207) 624-3687 (voice) 711 (TTY) www.Maine.gov/meopa**Janet T. Mills
GOVERNORBarry J. Hobbins
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 1206 “An Act To Improve Aboveground Utilities’ Responsiveness to Public Interest” which provides specific authority to a municipality or other applicable licensing authority to manage public rights-of-way, to issue licenses or permits for the use of those rights-of-way by utilities such as wireless telecommunications service providers and cable television systems and to charge a fee for the license or permit. A municipality or applicable licensing authority may order a utility to alter, remove or relocate its facilities. A utility that fails to comply with a written order of a municipality to alter, remove or relocate the utility's facilities is subject to a fine of up to \$1,000 per day for each day the utility remains in violation of the order of the municipality.

LD 1206 would give municipality’s control of its rights of way, requiring anyone who wants access to the right of way, such as for pole attachment, to meet requirements established by the municipality. It is unclear as to how this would work, particularly in conjunction with the Public Utility Commission (“PUC”), which has authority over utility poles and pole attachment procedures.

On its face, this bill appears to give municipalities the upper hand in dealing with utility pole owners as well as with providers of broadband services. As similarly

noted with LD 1192 (“An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way”), there could be unintended consequences of supporting municipal broadband efforts, such as the shifting of costs to customers and ratepayers.

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 1206, 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, appearing to read "Barry J. Hobbins". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Barry J. Hobbins
Public Advocate