

Committee Report

CONSENT CALENDAR

May 20, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Municipal and County Government
to which was referred SB 88,**

**AN ACT adopting omnibus legislation relative to
broadband. Having considered the same, report the
same with the recommendation that the bill OUGHT TO
PASS.**

Rep. Jim Maggiore

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	SB 88
Title:	adopting omnibus legislation relative to broadband.
Date:	May 20, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill is omnibus legislation comprised of three LSRs which, as combined, will improve access, timing and efficacy of municipal broadband infrastructure projects. These improvements to statutes and processes will allow municipalities throughout our state to capitalize on broadband infrastructure funding opportunities from the American Rescue Plan Act. Part I of the omnibus bill permits the governing bodies of multiple municipalities to cooperate on creating communication district planning committees to study the issue of creating communication districts within each community as provided in NH RSA 53-G. With this improvement, the municipalities can begin the study process without waiting for legislative approval at town meeting or on the official ballot. Eventual creation of a municipal communication district in each community would still require legislative approval. Part II of the omnibus bill requires the NH Public Utilities Commission to adopt rules created by the Federal Communication Commission for One Touch Make Ready. One Touch Make Ready streamlines the process for attachments on utility poles, reducing costs, time, and disruptions in telecommunication and broadband service. Part III of the omnibus bill ensures that municipalities receive the necessary information in response to a Request for Information (RFI) for broadband projects that require bonds as provided in NH RSA 33:3-g, and states the NH Office of Strategic Initiatives shall maintain a list by town of all providers interested in receiving RFIs. "Counties" and "communications districts" are added to "municipalities" as entities that may request the RFI. The combined effect of these parts in one omnibus piece of legislation is better access, speed, and reliability of broadband infrastructure for NH.

Vote 19-0.

Rep. Jim Maggiore
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Municipal and County Government

SB 88, adopting omnibus legislation relative to broadband. **OUGHT TO PASS.**

Rep. Jim Maggiore for Municipal and County Government. This bill is omnibus legislation comprised of three LSRs which, as combined, will improve access, timing and efficacy of municipal broadband infrastructure projects. These improvements to statutes and processes will allow municipalities throughout our state to capitalize on broadband infrastructure funding opportunities from the American Rescue Plan Act. Part I of the omnibus bill permits the governing bodies of multiple municipalities to cooperate on creating communication district planning committees to study the issue of creating communication districts within each community as provided in NH RSA 53-G. With this improvement, the municipalities can begin the study process without waiting for legislative approval at town meeting or on the official ballot. Eventual creation of a municipal communication district in each community would still require legislative approval. Part II of the omnibus bill requires the NH Public Utilities Commission to adopt rules created by the Federal Communication Commission for One Touch Make Ready. One Touch Make Ready streamlines the process for attachments on utility poles, reducing costs, time, and disruptions in telecommunication and broadband service. Part III of the omnibus bill ensures that municipalities receive the necessary information in response to a Request for Information (RFI) for broadband projects that require bonds as provided in NH RSA 33:3-g, and states the NH Office of Strategic Initiatives shall maintain a list by town of all providers interested in receiving RFIs. "Counties" and "communications districts" are added to "municipalities" as entities that may request the RFI. The combined effect of these parts in one omnibus piece of legislation is better access, speed, and reliability of broadband infrastructure for NH. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on SB 88

BILL TITLE: adopting omnibus legislation relative to broadband.

DATE: May 17, 2021

LOB ROOM: Hybrid

MOTIONS: OUGHT TO PASS

Moved by Rep. Porter

Seconded by Rep. Stavis

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk



2021 SESSION

Municipal and County Government

Bill #: SB88 Motion: OTP AM #: _____ Exec Session Date: _____

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dolan, Tom Chairman	19		
Piemonte, Tony Vice Chairman	1		
MacDonald, John T. Clerk	2		
Tripp, Richard P.	3		
Guthrie, Joseph A.	4		
Lascelles, Richard W.	5		
McBride, Everett P.	6		
Melvin, Charles R.	7		
Ayer, Paul F.	8		
Pauer, Diane	9		
Porter, Marjorie A.	10		
Treleven, Susan GS <i>Rep. Berch</i>	11		
Gilman, Julie D.	12		
Maggiore, Jim V.	13		
Stavis, Laurel	14		
Mangipudi, Latha D.	15		
Vann, Ivy G. <i>Rep. Vail</i>	16		
Klee, Patricia S. <i>Rep. Grassie</i>	17		
Gallager, Eric B.	18		
TOTAL VOTE:	19	0	

Public Hearing

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 88

BILL TITLE: adopting omnibus legislation relative to broadband.

DATE: May 10, 2021

LOB ROOM: Hybrid **Time Public Hearing Called to Order:** 11:48 a.m.

Time Adjourned: 12:38 p.m.

Committee Members: Reps. Dolan, Piemonte, J. MacDonald, Tripp, Guthrie, Lascelles, Melvin, Ayer, Pauer, Porter, Treleaven, Gilman, Maggiore, Stavis, Mangipudi, Vann, Klee and Gallagher

Bill Sponsors:
Sen. Kahn

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Senator Jay Kahn - Prime sponsor of the bill. Relationship between three different broadband bills. Two municipalities - communication district planning committee. It would take a warrant article in each town to join the districts.

Part II

Senator Jeb Bradley - Adopted unanimously by the Senate. It will allow one touch application. Please make change to effective on passage.

Chairman Dolan: Line 4 - 9 - time lines? ANS: PUC would establish rules for the proposed time lines.

Rep. Piemonte: Bill passing the buck on when the poles would be taken. ANS: Better implementation and cost savings. It is adopted by the Federal Communications Commission.

***Mark Dean, NH Electric Cooperative** - His testimony has been emailed to the committee.

Rep. Piemonte: 100,000 plus poles in New Hampshire. Estimated time frame to complete this project? ANS: Multi-year plan under any circumstances.

Part III

***Senator Ruth Ward** - Sent email to Chairman Dolan and forwarded onto Heather Goley.

***Carole Monroe, Chair of Board of Valley Net, CEO** - Submitted written testimony to the committee.

Rep. Porter: Last mile issue. Houses far apart, does this address this? ANS: Cost - 5 to 6 houses per mile. When you bring towns together, you are aggregating the cost.

***Maura Weston, NE Cable and Telecommunications Association** - Supports the bill.

***Jim Isaak, Local Citizen** - Worked for I Triple E. Email with testimony to committee.

Rep. Lee Oxenham - I also have a bill relative - concerning broadband in committee. I support this bill.

Respectfully submitted,

Rep. John MacDonald
Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill SB88 on 2021- Support: 91 Oppose: 0 Neutral: 0 Total to Testify: 7

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	
Kahn, Jay	Hopkinton, NH jessica.bourque@leg.state.nh.us	An Elected Official	Senate District 10	Support	Yes (5m)	No	:
Dean, Mark	Concord, NH mdean@mdeanlaw.net	A Lobbyist	New Hampshire Electric Cooperative	Support	Yes (5m)	No	:
Monroe, Carole	Dublin, NH Carole.monroe@valley.net	A Member of the Public	Myself	Support	Yes (5m)	No	:
Weston, Maura	Concord, NH mauraweston@comcast.net	A Lobbyist	New England Cable and Telecommunications Association	Support	Yes (3m)	No	:
Isaak, Jim	Bedford, NH cvd@JimIsaak.com	A Member of the Public	Myself	Support	Yes (10m)	No	:
Ward, Senator Ruth	Stoddard, NH ruth.ward@leg.state.nh.us	An Elected Official	Senate District 8 Supporting Part III ONLY PRIME	Support	Yes (0m)	No	:
Bixby, Peter	Dover, NH peter.bixby@leg.state.nh.us	An Elected Official	Myself	Support	Yes (0m)	No	:
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Support	No	No	:
Dontonville, Anne	Enfield, NH Adontonville@gmail.com	A Member of the Public	Myself	Support	No	No	:
Hiland, Rick	Albany, NH rhiland@myfairpoint.net	A Member of the Public	Myself Carroll County Broadband Committee Chairman	Support	No	No	:
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No	:
Zavgren, john	Wilton, NH john@zavgren.com	A Member of the Public	Myself	Support	No	No	:
jakubowski, dennis	Loudon, NH dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No	:
Jakubowski, Deborah	Loudon, NH Dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No	:
Horgan, Kate	CONCORD, NH khorgan@dupontgroup.com	A Lobbyist	NH Association of Counties	Support	No	No	:
Byrnes, Margaret	CONCORD, NH mbyrnes@nhmunicipal.org	A Lobbyist	NH Municipal Association	Support	No	No	:
Griffin, Julia	Hanover, NH julia.griffin@hanovernh.org	A Member of the Public	Town of Hanover	Support	No	No	:
Charlton, Keith	Temple, NH keith.charlton@gmail.com	A Member of the Public	Myself	Support	No	No	:
Ezell, William	Temple, NH nhhr@quackers.net	An Elected Official	Myself	Support	No	No	:
Weston, Joyce	NH, NH jweston14@roadrunner.com	An Elected Official	Myself	Support	No	No	:
Flynn, Michael	TEMPLE, NH flynngriff@gmail.com	A Member of the Public	Myself	Support	No	No	:
Tucker, Kathy	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Support	No	No	:

Bates, David	Warner, NH dbates3@yahoo.com	A Member of the Public	Myself	Support	No	No	:
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	:
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	:
Cromwell, Gail	Temple, NH gpiersoncromwell@gmail.com	A Member of the Public	Myself	Support	No	No	:
Park, Carina	Campton, NH toc.cp@camptonnh.org	A Member of the Public	Town of Campton	Support	No	No	:
Wazir, Safiya	Merrimack, NH S.Wazir@leg.state.nh.us	An Elected Official	My Constituents	Support	No	No	:
Nowell, Joy	Newbury, NH joy@newburynh.org	An Elected Official	Town of Newbury	Support	No	No	:
Taylor, Frances	Holderness, NH egg lady5@gmail.com	A Member of the Public	Myself	Support	No	No	:
Willard, George	Temple, NH sophiemoog@comcast.net	An Elected Official	Myself	Support	No	No	:
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	No	:
Zaenglein, Barbara	Amherst, NH bzaenglein@gmail.com	A Member of the Public	Myself	Support	No	No	:
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Support	No	No	:
Scarponi, Ellen	Canterbury, NH ellenscarp1@gmail.com	A Lobbyist	Consolidated Communications	Support	No	No	:
Pimentel, Rod	Henniker, NH Rodpimentel@leg.state.nh.us	An Elected Official	Myself	Support	No	No	:
O'Neill, Nan	Salisbury, NH Raptorko@gmail.com	A Member of the Public	Myself	Support	No	No	:
Fenner-Lukaitis, Elizabeth	Warner, NH glukaitis@mcttelecom.com	A Member of the Public	Myself	Support	No	No	:
Mower, Robin	Durham, NH melodyofharpists@gmail.com	A Member of the Public	Myself	Support	No	No	:
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	:
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	No	:
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	:
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Support	No	No	:
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No	:
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	No	:
Smith, Sara	Pembroke, NH sara.rose.ssmith@gmail.com	A Member of the Public	Myself	Support	No	No	:
Gottling, Rep. Sue	Sunapee, NH Sgottling@comcast.net	An Elected Official	Myself	Support	No	No	:
Wells, Lee	Andover, NH leewells.locustfarm@gmail.com	A Member of the Public	Myself	Support	No	No	:
Westlake, Jane	Center Barnstead, NH janewestlake57@gmail.com	A Member of the Public	Myself	Support	No	No	:

Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	:
Rosenberger, Teresa	Concord, NH Trosenberger@bernsteinshur.com	A Lobbyist	NH Telephone Assocaition	Support	No	No	:
Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Support	No	No	:
Folsom, Andrea	Hopkinton, NH aahfolsom@gmail.com	A Member of the Public	Myself	Support	No	No	:
Raspiller, Cindy	Mont Vernon, NH raspicl@hotmail.com	A Member of the Public	Myself	Support	No	No	:
Brown, Howard	Mont Vernon, NH hobro39@hotmail.com	A Member of the Public	Myself	Support	No	No	:
Brown, William	Mont Vernon, NH brownwd95@gmail.com	A Member of the Public	Myself	Support	No	No	:
Walker, David	Harts Location, NH hartslocation302@gmail.com	A Member of the Public	Harts Location communications district planning committee	Support	No	No	:
Brown, Morgan	Mont Vernon, NH mmbrown1998@gmail.com	A Member of the Public	Myself	Support	No	No	:
Mombourquette, Donna	New Boston, NH donna4hills5@gmail.com	A Member of the Public	Myself	Support	No	No	:
Liberman, Sheryl	Merrimack, NH sam154@comcast.net	A Member of the Public	Myself	Support	No	No	:
Chase, Wendy	Rollinsford, NH wendy.chase@comcast.net	An Elected Official	Myself	Support	No	No	:
Minton, Faith	Warner, New Hampshire, NH minton.faiht@gmail.com	A Member of the Public	Myself	Support	No	No	:
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	:
Grassie, Chuck	Rochester, NH chuck.grassie@leg.state.nh.us	An Elected Official	Strafford 11	Support	No	No	:
Hinebauch, Melissa	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	:
Istel, Claudia	Acworth, NH claudia@sover.net	A Member of the Public	Myself	Support	No	No	:
King, Walter	Dover, NH genedocwk@comcast.net	A Member of the Public	Myself	Support	No	No	:
Rich, Cecilia	Somersworth, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Support	No	No	:
Money, Bridget	Wilton, NH Bridget@moonchick.com	A Member of the Public	Myself	Support	No	No	:
Lindpaintner, Lyn	Concord, NH lynlin@bluewin.ch	A Member of the Public	Myself	Support	No	No	:
St Germain, Diane	Bedford, NH diane.stgermain33@gmail.com	A Member of the Public	Myself	Support	No	No	:
West, Christie	Mont Vernon, NH christiemwest@gmail.com	A Member of the Public	Myself	Support	No	No	:
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	:
Hatch, Sally	Concord, NH SALLYHATCH@COMCAST.COM	A Member of the Public	Myself	Support	No	No	:
perez, maria	Milford, NH mariaeli63@gmail.com	An Elected Official	District 23	Support	No	No	:
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Support	No	No	:

perencevich, ruth	concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	:
Weber, Jill	NH, NH jill@frailfarms.com	A Member of the Public	Myself	Support	No	No	:
Hamblet, Joan	PORTSMOUTH, NH joan.hamblet@leg.state.nh.us	An Elected Official	Myself	Support	No	No	:
Schapiro, Joe	Keene, NH joe.schapiro@leg.state.nh.us	An Elected Official	Cheshire 16, Keene	Support	No	No	:
Ellis, Donna	Rochester, NH donnae610@comcast.net	An Elected Official	Myself	Support	No	No	:
Singelais, Carole	Temple, NH boardassistant@templenh.org	A Member of the Public	Myself	Support	No	No	:
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	:
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	:
Reed, Barbara	N. Swanzey, NH BDReed74@gmail.com	A Member of the Public	Myself	Support	No	No	:
Coppelman, Glenn	Kingston, NH gcoppelman@gmail.com	An Elected Official	Myself	Support	No	No	:
Vincent, Laura	Loudon, NH lvlauravincen5@gmail.com	A Member of the Public	Myself	Support	No	No	:
Northrop, Faith	Durham, NH f.northrop@comcast.net	A Member of the Public	Myself	Support	No	No	:
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	:
Bartlett, Rep Christy	Concord, NH christydbartlett@gmail.com	An Elected Official	Merrimack 19	Support	No	No	:
Murray, Megan	AMHERST, NH megan.murray@leg.state.nh.us	An Elected Official	Hillsborough District 22	Support	No	No	:

Testimony

Archived: Tuesday, May 11, 2021 10:04:09 AM
From: John MacDonald
Sent: Monday, May 10, 2021 1:00:14 PM
To: Heather Goley
Subject: Fwd: part III SB 88
Response requested: No
Importance: Normal

Hi Heather,

Could you please add this email from Senator Ward to the record for SB 88. Thank you!

John

Sent from my iPhone

Begin forwarded message:

From: Tom Dolan <Tom.Dolan@leg.state.nh.us>
Date: May 10, 2021 at 12:28:03 PM EDT
To: John MacDonald <John.MacDonald@leg.state.nh.us>
Subject: Fwd: part III SB 88

Tom

Begin forwarded message:

From: Christina Dyer <Christina.Dyer@leg.state.nh.us>
Date: May 10, 2021 at 11:38:36 AM EDT
To: Tom Dolan <Tom.Dolan@leg.state.nh.us>, Tony Piemonte
<Tony.Piemonte@leg.state.nh.us>
Subject: FW: part III SB 88

Good morning,

Below is a statement sent from Sen. Ward regarding section III of SB 88.

Best,

Christina Dyer
Committee Researcher
New Hampshire House of Representatives
House Committee Services
603-271-3385

-----Original Message-----

From: HCS <HCS@leg.state.nh.us>

Sent: Monday, May 10, 2021 11:35 AM

To: Christina Dyer <Christina.Dyer@leg.state.nh.us>; Heather Goley <heather.goley@leg.state.nh.us>

Subject: FW: part III SB 88

-----Original Message-----

From: drfred@myfairpoint.net <drfred@myfairpoint.net>

Sent: Monday, May 10, 2021 11:32 AM

To: HCS <HCS@leg.state.nh.us>

Subject: part III SB 88

Part III improves upon the process that municipalities must adhere to in order to issue bonds for the purpose of financing the development of Broadband infrastructure. Additionally it instructs the Office of Strategic Initiatives to maintain a list of all providers, by town, interested in receiving requests for information.

Senator Ruth Ward

Archived: Tuesday, May 11, 2021 10:04:09 AM
From: HCS
Sent: Monday, May 10, 2021 11:35:04 AM
To: Christina Dyer; Heather Goley
Subject: FW: part III SB 88
Response requested: No
Importance: Normal

-----Original Message-----

From: drfred@myfairpoint.net <drfred@myfairpoint.net>
Sent: Monday, May 10, 2021 11:32 AM
To: HCS <HCS@leg.state.nh.us>
Subject: part III SB 88

Part III improves upon the process that municipalities must adhere to in order to issue bonds for the purpose of financing the development of Broadband infrastructure. Additionally it instructs the Office of Strategic Initiatives to maintain a list of all providers, by town, interested in receiving requests for information.

Senator Ruth Ward

Archived: Tuesday, May 11, 2021 10:02:25 AM

From: [Carole Monroe](#)

Sent: Monday, May 10, 2021 9:53:29 AM

To: ~House Municipal and County Govt

Subject: SB 88 Testimony

Importance: Normal

Attachments:


[House Testimony related to SB 88 CDMonroe.docx](#) 

Attached is my testimony for SB88 to be presented at the hearing today at 10:45. Please feel free to email me with any questions you might have.

--

Carole Monroe
ValleyNet*

ValleyNet is the operating company for ECFiber and LymeFiber

Archived: Tuesday, May 11, 2021 10:02:25 AM
From: mauraweston@comcast.net
Sent: Monday, May 10, 2021 8:20:02 AM
To: ~House Municipal and County Govt
Cc: Tim Wilkerson; 'Kristin Grazioso'; 'Dave Soutter'
Subject: SB 88
Importance: Normal
Attachments:
[NH SB 88 NECTA Draft Testimony to House Municipal Government Final 051021.docx](#) 

Good morning,

Attached please find testimony on SB 88, adopting omnibus legislation relative to broadband. I have signed in to testify and look forward to speaking with you. However, I do have multiple hearings this morning so in the event that I am unavailable at the time I am called up on by your committee, Dave Soutter from the New England Cable and Telecommunications Association will speak in my place.

Thank you for understanding. We look forward to talking.

Best,
Maura

Maura M Weston
MM Weston & Associates, PLLC
PO Box 990
Concord, New Hampshire 03301

603-491-2853 (mobile)

mweston@mmweston.com
mauraweston@comcast.net

Archived: Tuesday, May 11, 2021 10:02:26 AM

From: Rick Hiland

Sent: Sunday, May 9, 2021 9:50:59 PM

To: ~House Municipal and County Govt

Subject: RE: SB 88 Testimony

Importance: Normal

Attachments:

SB 88 Testimony_5.10.21.pdf ;

Hello NH Representative Tom Dolan and the House Municipal & County Government Committee Members,

My name is Rick Hiland and I am Co-Chairman of the Carroll County Broadband Committee and a Past Albany NH Selectman - Chairman.

I cannot attend the hearings today on SB 88 as I have the "Dinosaur Slow Line" called DSL. With everyone else on the internet these days my service slows down to a snail's pace during the day and evening hours. It gives me limited access and often shuts down.

With that said, I am filing my testimony to you all today to ask for your support for SB 88. This is one more step toward supplying quality high speed fiber optic internet access to all of rural New Hampshire.

SB 88 is a good bill.

I encourage you to support passage with an "Ought To Pass" vote out of committee.

1. Allows the governing body to appoint 2 representatives to the communication district planning committee without going to Town Meeting for authorization which will reduce the time to form a communications district from 2 years (2 Town Meetings) to a single Town Meeting for approval to join a communication district. This will expedite forming a "communication district".
2. Directs the PUC to adopt the FCC One Touch Make Ready (OTMR) process for pole attachments, to provide appropriate formula or formulae for apportioning costs for OTMR, and also reaffirms the process, negotiations, and timelines established by the PUC for pole attachments. This will reduce delays & possible costs associated with the make ready process for pole attachments with regards to high speed broadband.
3. It adds County and Communication Districts to the bonding infrastructure process. It also expedites and better defines the RFI process and requirements by reducing the time for a provider to respond to a RFI request from 2 months to 30 days. This should not unnecessarily burden broadband providers in this electronic format day and age. This will save time and money.

Thank you.

Rick Hiland

Carroll County Broadband, Co-Chairman

r.hiland@myfairpoint.net

603-447-4833



Archived: Tuesday, May 11, 2021 10:02:26 AM

From: [Margaret Byrnes](#)

Sent: Sunday, May 9, 2021 6:58:25 PM

To: ~House Municipal and County Govt

Subject: SB 88

Importance: High

Attachments:

SB_88_NHMA_Testimony_05-09.pdf ;

Dear Chair Dolan and Members of the Municipal & County Government Committee:

Attached please find NHMA's written testimony in support of SB 88.

Margaret



Margaret M.L. Byrnes

Executive Director

NH Municipal Association

25 Triangle Park Drive


Concord, NH 03301

Tel: (603) 224-7447

Email: mbyrnes@nhmunicipal.org

[American Rescue Plan Page](#)

[COVID-19 Resources Page](#)

Archived: Tuesday, May 11, 2021 10:02:26 AM
From: [Mark Dean](#)
Sent: Friday, May 7, 2021 10:22:56 AM
To: ~House Municipal and County Govt
Subject: NH House Remote Testify: 10:45 am - SB88 in House Municipal and County Government
Importance: Normal
Attachments:
[SB 88 NHEC Testimony - House Municipal & County Government Committee \(5.10.21\).pdf](#) 

Chairman Dolan and Members of the Committee,

Attached please find the written testimony of New Hampshire Electric Cooperative (“NHEC”) in support of SB 88. This testimony proposes that the effective date of Part II be amended to, “upon passage.”

Mark Dean

[Mark W. Dean](#)
ATTORNEY
49 Franklin Street
Concord, NH 03301

(603) 230-9955 (Direct)
(603) 494-1032 (Cell)

This e-mail message and any attachments are confidential and may be attorney-client privileged. If you are not the intended recipient please notify Mark Dean, PLLC immediately by telephone at (603) 230-9955 or by e-mail at mdean@mdeanlaw.net, and destroy all copies of this message and any attachments.

Archived: Tuesday, May 11, 2021 10:02:26 AM
From: [Ava Hawkes](#)
Sent: Wednesday, May 5, 2021 2:59:23 PM
To: ~House Municipal and County Govt; Tom Dolan
Subject: SB 88 Written Testimony: 5/10/21
Importance: Normal
Attachments:

[SB 88 Written Testimony_ Tamworth Economic Development Commission.docx](#) 

Good Afternoon Committee Members:

I hope this email finds you well. My name is Ava Hawkes and I am the legislative aide to Senator Jeb Bradley.

Senator Bradley would like to bring the attached submission of written testimony to SB 88, *adopting omnibus legislation relative to broadband*, to the Committee's attention prior to the **public hearing on Monday, May 10th at 10:45 AM**. The attached testimony is from the Tamworth Economic Development Commission in support of all three parts of SB 88.

Thank you and please do not hesitate to contact me with any questions.

Best,

Ava-Marisa Hawkes

*Legislative Aide to Senate Majority Leader Jeb Bradley (SD3) & Senator Erin Hennessey (SD1)
Legislative Aide to Senate Education Committee*

New Hampshire Senate

Email: ava.hawkes@leg.state.nh.us

Phone: (603) 271- 4151



May 7, 2021

The Honorable Chair, Representative Tom Dolan
House Municipal and County Government
Legislative Office Building Room 301
Concord, NH 03301

SB 88 – Omnibus Legislation Relative to Broadband

Dear Chairman Dolan and Members of the Committee:

New Hampshire Electric Cooperative (NHEC) appreciates this opportunity to provide its support and comments on SB 88. NHEC is a non-profit, member-owned rural electric cooperative that provides 85,000 members with electricity distribution service in 118 communities throughout New Hampshire. To serve its members, NHEC owns approximately 100,000 utility poles.

Last year, NHEC initiated efforts to ensure that all NHEC members have access to reliable high-speed broadband services. NHEC's first step towards this goal was the construction of two fiber optic broadband networks, which provided nearly 1,000 NHEC members in the towns of Lempster, Colebrook, Clarksville and Stewartstown with access to high-speed internet. Construction of these projects was supported by grants from the Connecting New Hampshire Emergency Broadband Program, which was funded by the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The CARES Act required that all funding be spent by the end of 2020, which led to a very tight timeframe in which NHEC had to complete construction. NHEC was able to complete these projects within this short period of time, in part, because it was able to use a form of One-Touch Make-Ready work by agreement with Consolidated Communications, which owned some of the poles on which the fiber optic cable was attached.

NHEC is working to ensure widescale deployment of broadband throughout its service territory, with a concentrated focus on bringing high-speed internet access to unserved and underserved areas. NHEC is both a utility pole owner and an attacher to utility poles owned by others. As NHEC expands broadband availability to its members and the communities it serves, the number of poles owned by other parties to which NHEC attaches fiber optic cable will increase.

Part II of SB 88 requires that the option of using One-Touch Make-Ready work is available to all pole attachers in New Hampshire. New Hampshire's adoption of the existing provisions of the FCC One-Touch Make-Ready rules, as required by SB 88, would help facilitate the rapid and cost-effective expansion of broadband throughout the state.

NHEC strongly supports the passage of SB 88, with one proposed change. Given that a Public Utilities Commission (PUC) rulemaking proceeding will be required to give effect to the legislation, NHEC urges that the committee amend the effective date for Part II to, "upon passage" rather than, "60 days after its passage." That change will allow for an earlier start to the PUC rulemaking process and will improve the chances that the One-Touch Make-Ready option will be available to all parties in 2021.

Thank you for your consideration.

Mark Dean, NHEC's General Counsel is available answer any questions the committee may have at:
mdean@mdeanlaw.net
230-9955

Hello NH Representative Tom Dolan and the House Municipal & County Government Committee Members,

My name is Rick Hiland and I am Co-Chairman of the Carroll County Broadband Committee and a Past Albany NH Selectman - Chairman.

I cannot attend the hearings today on SB 88 as I have the "Dinosaur Slow Line" called DSL. With everyone else on the internet these days my service slows down to a snail's pace during the day and evening hours. It gives me limited access and often shuts down.

With that said, I am filing my testimony to you all today to ask for your support for SB 88. This is one more step toward supplying quality high speed fiber optic internet access to all of rural New Hampshire.

SB 88 is a good bill.

I encourage you to support passage with an "Ought To Pass" vote out of committee.

1. Allows the governing body to appoint 2 representatives to the communication district planning committee without going to Town Meeting for authorization which will reduce the time to form a communications district from 2 years (2 Town Meetings) to a single Town Meeting for approval to join a communication district. This will expedite forming a "communication district".
2. Directs the PUC to adopt the FCC One Touch Make Ready (OTMR) process for pole attachments, to provide appropriate formula or formulae for apportioning costs for OTMR, and also reaffirms the process, negotiations, and timelines established by the PUC for pole attachments. This will reduce delays & possible costs associated with the make ready process for pole attachments with regards to high speed broadband.
3. It adds County and Communication Districts to the bonding infrastructure process. It also expedites and better defines the RFI process and requirements by reducing the time for a provider to respond to a RFI request from 2 months to 30 days. This should not unnecessarily burden broadband providers in this electronic format day and age. This will save time and money.

Thank you.

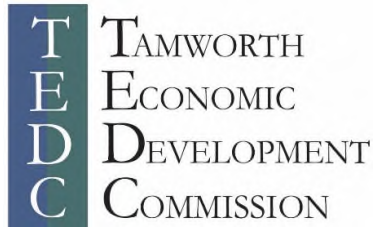
Rick Hiland

Carroll County Broadband, Co-Chairman

r.hiland@myfairpoint.net

603-447-4833





May 5, 2021

Dear Representative Tom Dolan and the House Municipal & County Government Committee,

My name is Pat Farley and I am the Chair of the Tamworth Economic Development Commission and serve on the Carroll County Broadband Committee, representing the Lakes Region Planning Commission where I am an officer on its executive board. I had hoped to testify personally on Monday but because my internet connection is so very weak, there would be no guarantee that it would be successful so I'm hoping these written comments will suffice instead.

It is so important to New Hampshire that you pass all bills related to the expansion of Broadband throughout NH, be they ALL parts of SB 88, and SB 85 and any others that come forth in the future.

New Hampshire is really significantly handicapped by the lack of quality internet service. Many school children here were unable to participate in the remote classes required during these past many months. This lack of service also affected ...and effects presentlythe people needing to have telemedical appointments because their age or condition makes in-person appointments difficult.

As chair of the Tamworth Economic Development Commission, I find that companies are reluctant to relocate here if their businesses and potentially relocating families can't enjoy the level of internet quality they have enjoyed elsewhere. Individuals contemplating a move to our area to enjoy New Hampshire's natural beauty soon find that their plan to establish a home office for remote work is unfeasible. Owners of homes for sale without adequate service.....many with no service....find difficulty in selling their property and will realize a lower price than a comparable home with an appropriate internet connection.

Future innovations promise even more internet capabilities. How can we compete in this rapidly growing environment when so many of us have only weak...or no.....internet service.

I implore you to please correct these issues by voting "yes" to SB 88 in its entirety and SB 85. Thank you for your time.

Respectfully,
Pat Farley



May 9, 2021

Chair Dolan and Members of the Municipal and County Government Committee
NH House of Representatives
Legislative Office Building Room 301
Via electronic delivery only

Re: SB 88, omnibus legislation relative to broadband

Dear Chair Dolan and Members of the Municipal and County Government Committee:

I am writing to express the New Hampshire Municipal Association's support for SB 88, omnibus legislation relative to broadband. This legislation would improve the success, timing, and efficacy of municipal broadband infrastructure projects by accomplishing three objectives:

1. Streamlining the process for creating a communications district under RSA 53-G. This bill would remove the requirement that the legislative body (i.e., the town meeting in most municipalities) must vote to create a communications district planning committee under RSA 53-G. The job of the planning committee is to study the issue and make a recommendation on whether to form a communications district. With this change, municipalities will not need to wait until town meeting to begin assessing the viability of becoming part of a communications district. The formation of the communications district would still be a town meeting/legislative body vote.
2. Requiring the New Hampshire Public Utilities Commission to adopt rules for implementing One Touch Make Ready as adopted by the Federal Communication Commission.
3. Ensuring that municipalities receive necessary information in response to a request for information (RFI) when moving forward with broadband infrastructure bonds under RSA 33:3-g. RFIs are a prerequisite of acquiring a broadband infrastructure bond, but many municipalities report receiving inadequate responses from providers. This legislation improves the information providers are required to submit in response to an RFI; creates a list of provider information, to be maintained by OSI, to assist municipalities and communications districts in submitting RFIs; and adds "communications districts" to RSA 3:3-g.

Many municipalities across the state have been working to improve broadband access, speed, and reliability, either on their own or as a joint effort with surrounding cities, towns, and counties. These projects are significant and costly endeavors. And now, with substantial and unprecedented funds for broadband infrastructure coming into New Hampshire due to the American Rescue Plan Act (ARPA), SB 88 will improve applicable laws so that municipalities can capitalize on this unique opportunity and move forward with vital broadband infrastructure projects.

N E W H A M P S H I R E M U N I C I P A L A S S O C I A T I O N

25 Triangle Park Drive • Concord, NH 03301 • Tel: 603.224.7447 • NH Toll Free: 800.852.3358

NHMAinfo@nhmunicipal.org • governmentaffairs@nhmunicipal.org • legalinquiries@nhmunicipal.org

www.nhmunicipal.org

For these reasons, we urge the committee to recommend Ought to Pass on SB 88.

Sincerely,

A handwritten signature in black ink, reading "Margaret M.L. Byrnes". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Margaret M.L. Byrnes
Executive Director

Archived: Tuesday, May 11, 2021 10:05:30 AM
From: Jim Isaak
Sent: Monday, May 10, 2021 2:32:26 PM
To: ~House Municipal and County Govt; Lee Oxenham; Ruth Ward
Subject: Re: SB88 relative to broadband
Importance: Normal

Chairman Dolan and Committee members.

I was asked at today's hearing about where to change the language related to "unserved" to "underserved". There is a more direct way to address this issue, which would be to change RSA 38:38 (relevant sections quoted below) .

Amend RSA 38:38 to include as part of section "(f)":

"Municipalities or Communications District Planing Committees may establish a definition of Broadband Service that requires a higher transmission rate than that established by the FCC, may require that such provision include an Open Network and provide reliable access for all premises within the municipality or Communications District."

The key here being to allow for local control in establishing what level of service the town or district considers adequate, using the FCC guidelines as a base, not necessarily "sufficient".

=====
Rep. Maggiore asked about the term "serviceable" in SB88 pg 2 line 38. I had indicated that "serviceable" vs "unserviceable" should be complementary, but I realize my perspective was wrong. The words do have different implications. 'Serviceable' should indicate that the provider can deliver their regular service offering to a given location (presumably within the one year window (SB85 page 2, line 6). 'Unserviceable' suggests that service could never be provided, which is unlikely to ever be the case. (Note SB88 also uses 'serviceable' on line 25 in the same way.)

=====
Current relevant portions of RSA 38:38 (based on my research)

(d) "Broadband" means the transmission of information, between or among points specified by the user, with or without change in the form or content of the information as sent and received, at rates of transmission defined by the Federal Communications Commission as a wireline advanced telecommunications capability as defined by section 706 of the Telecommunications Act of 1996, irrespective of the network technology used.

(f) "Broadband service" means the offering of broadband for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

g) "Open network" means any broadband infrastructure which is open to any third party users in a nondiscriminatory manner on a fair and equitable basis using publicly available access tariffs for services.

=====

Thank you for your committee's attention to this critical challenge for the future of our state.

*Best wishes,
Jim Isaak*

Advocating the expansion to [universal affordable broadband](#)
Concerned about [Digital Privacy and Trust, join the IEEE Collabratec Community](#) (membership not required)

2019/20 Chair IEEE USA [Committee on Communications Policy](#)
2020/21 NH IEEE Section Chair, [IEEE NH Section](#)
2015 Vice President, [IEEE Society on Social Implications of Technology](#);
President Emeritus, [IEEE Computer Society](#);
2003/2004 IEEE Division VIII Director

www.JimIsaak.com

On Mon, May 3, 2021 at 8:37 AM Jim Isaak <CS2010@jimisaak.com> wrote:

I strongly support SB88. In particular, it is essential to meet the objectives outlined in SB85 to **“assure sufficient upload and download service” for all residents** we need to assure political subdivisions have accurate information about the addresses being served, not just the areas being served.

I am a resident of Bedford, retired from thirty years in the computing industry with almost fifty exploring and enabling the pathways to residential broadband and personal computing. I currently present classes and chair committees as a volunteer that serve New Hampshire and beyond heavily dependent on broadband virtual and online community services. More on my background can be found at <http://www.JimIsaak.com>

When broadband was a luxury, having some vague concepts of access and service was a good start. Broadband is now an essential utility for education, employment, health care, civic engagement and of course the historical application of entertainment. Unfortunately, it is entertainment bundling that creates the market incentives to provide any services and as a result incumbent suppliers make the tradeoff between expanding their services or simply milking the cash-cows that their monopoly status and highly amortized investments provide. The migration of entertainment content to streaming creates additional disincentives for suppliers to release control of their monopoly status, or to engage in expensive expansion projects.

What has become clear, beyond the obvious transition of broadband to a public infrastructure necessity, is that the current FCC base line, used in RSA 38:38 to define broadband is not sufficient in many cases, and not available at many addresses. This definition fails in both ways. The FCC is currently reviewing its current “service areas” which are defined by a single point of access within a census tract. Such areas may be a block or two in a major city, hundreds of square miles in a rural area, or an access point many miles up mountain roads in the White Mountains. Also, the FCC currently depends on vendor claims of bandwidth, and even then considers 25 Mbit down, 3 Mbit up (25/3) as sufficient. It is relevant to note that the recent FCC Rural Digital Opportunity Fund essentially set a minimum of 50/5 and encouraged 1000/500 (Gigabit down) as evaluation criteria. Also, Comcast recently expanded their “Internet Essentials” low income service to 50/5 while limiting most customers with a monthly data cap.

It is essential that each town have the opportunity for local control of key “community characteristics” that we recognize already for school districts, road infrastructure and zoning. Some towns may find incumbent suppliers providing sufficient capacity to a sufficient set of addresses to meet their planning objectives. Others may set targets for broader access and higher service rates to balance between their planning objectives for industry, employees, education, transportation and other community defining characteristics. The current deference to the outdated FCC baseline for all

New Hampshire towns is an inappropriate state constraint on local control. It also provides limited leverage or incentive for providers to actually partner with towns as opposed to stonewalling town objectives to maximize profits.

SB88 calls for more definitive mapping of service areas to specific address ranges, which is one essential step to allow towns to understand their current infrastructure status, and to articulate their objectives. It also provides incentives for current providers to be responsive in reporting their actual service areas and capabilities.

I would suggest replacing “unserved” with “underserved” in all related legislation, and specifically allow towns to define what sufficient service is as part of their planning and if needed funding proposals, with the FCC guidelines as a minimal, not a sufficient metric.

In early New England we had private toll roads and toll ferries. Over time it became obvious that most of these local monopolies interfered with commerce, and there existed a sufficient public good to warrant town/state ownership to meet the public needs. Today’s Internet providers and towns are at a similar junction. Except, the providers also control the delivery services over their toll roads, and provide competing services to other innovators who might bring better value to town residents. Finally, the town itself has need of open access to provide essential services such as education, access to jobs, and even access to this virtual committee meeting. While the long term best-practices for towns may not be clear, it is clear now that protecting monopolies that have very limited incentives to provide an essential public benefit is not the right road to follow at this time.

We have a cabin in the mountains where the local electric company is expanding fiber optic gigabit (1000/1000) service at a lower price than our current Bedford cable bill with 25/3. Partnerships in Lempster, Bristol and Jaffrey are targeting similar impact. We may face the irony that areas of New Hampshire able to meet the demands of 21st century jobs are in the woods, while our cities remain in the broadband dark ages.

My professional society, IEEE (the world’s largest society for technical professionals) presented a webinar on broadband options with a focus on New Hampshire. This will not provide specific insight on the wording or funding issues before the General Court at this time, but will help members understand some of the options and future opportunities. This is available for viewing (2 hours) at :

<https://www.youtube.com/watch?v=Bnuesogy158>

Thank you for your attention and consideration.

Jim Isaak, Bedford NH, cvd@JimIsaak.com, www.JimIsaak.com

Best wishes,

Jim Isaak

Advocating the expansion to [universal affordable broadband](#)

Concerned about [Digital Privacy and Trust](#), [join the IEEE Collabratec Community](#) (membership not required)

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2020/21 NH IEEE Section Chair, [IEEE NH Section](#)

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President Emeritus, [IEEE Computer Society](#);

2003/2004 IEEE Division VIII Director

www.JimIsaak.com

Archived: Tuesday, May 11, 2021 10:05:30 AM
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Sent: Monday, May 3, 2021 8:37:52 AM
To: ~House Municipal and County Govt
Subject: SB88 relative to broadband
Importance: Normal

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<https://www.youtube.com/watch?v=Bnuesogy158>

Thank you for your attention and consideration.

Jim Isaak, Bedford NH, cvd@jimlsaak.com, www.jimlsaak.com

Best wishes,

Jim Isaak

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Concerned about [Digital Privacy and Trust](#), [join the IEEE Collabratec Community](#) (membership not required)

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President Emeritus, [IEEE Computer Society](#);

2003/2004 IEEE Division VIII Director

www.JimIsaak.com

To: Senators of the Election Law and Municipal Affairs Committee
From: Carole D Monroe, Municipal Broadband Outreach, ValleyNet Inc. Board Chair; Dublin Select Board member and Dublin Broadband Committee.
RE: Senate Bill 88, Adopting omnibus legislation relative to broadband
Sponsors: Jay Kahn, District 10

My name is Carole Monroe. I am the Chair of the Board of ValleyNet. ValleyNet is the Construction management and operations company of East Central Vermont Telecommunications District, better known as ECFiber. ECFiber is a district of 31 towns in east-central Vermont. The region is very rural from the base of the Green Mountains to the Connecticut River not unlike many of the unserved areas of New Hampshire. This organization began in 2011 and became a District in 2016. It has built out over 1,400 miles of network and has in excess of 5500 customers. It has been cash flow positive and EBITDA positive since 2015.

As you are all aware, significant broadband has proven to be a necessity for each and every home and business in New Hampshire during this time of the COVID pandemic. Telemedicine was an immature delivery of healthcare before the pandemic, but is now essential in keeping patients safe and has become common place. K-12 students were more interested in social media and streaming entertainment, but now have learned to negotiate a web-based classroom to complete their educational studies. Businesses have discovered that employees can be more productive working from home for business entities in and out of New Hampshire. New Hampshire has become a destination for those seeking to escape the densely populated areas of Boston and New York. SB 88 is comprehensive legislation focused on making it easier to connect all New Hampshire premises with powerful broadband, greater than the FCC minimum of 25 Mbps down and 3 Mbps upload.

Part 1 – Relative to the Creation of Communication Districts

The amendment to RSA 53-G:2 is fairly straightforward. Rather than have the legislative body (Town Meeting) vote to create a Committee to look at the potential participating in a Communication District, it allows the governing bodies (i.e. Select Board) to “create a special unpaid committee to be known a communications district planning committee”. This language makes it easier to create the planning committee, without having to wait for a Town Meeting, reducing the time frame in the creation of a district significantly. The planning committee will continue to report their findings to the town and the legislative body (a vote at a Town Meeting) continues to be required to establish the Communication District.

Part II – One Touch Make Ready and PUC 1300 Administrative Rules

When an additional broadband provider needs to access the utility poles in the public right-of-way, the pole owners and all other facility owners need to move their facilities on the pole to ‘make room’ for an additional provider. In many cases it makes sense to have one qualified outside plant technician move all the facilities on the pole, particularly in the communication space, rather than have each utility schedule and send their own outside plant personnel and bucket truck to move the facility on the poles. For those states following the FCC pole attachment process, one-touch-make-ready has already been incorporated into the process. It has also been included in the make-ready process in the State of Vermont. In many cases, the current utility already outsources the pole make-ready work to a qualified outside plant contractor. This change relative to public utility regulation of utility pole attachments will encourage multiple internet service providers to expand their networks to unserved areas. It will reduce the time and the costs necessary for make-ready work. I encourage you to move in the direction of one-touch make-ready, particularly in the communication space of the utility pole.

In addition, New Hampshire Code of Administrative Rules, Chapter PUC 1300 Utility Pole Attachments includes the requirement to negotiate an agreement with the pole utility owners. This negotiation is often one-sided as the pole owning utility is often a large multistate entity negotiating with much smaller internet service providers (ISP). My experience has been that the pole owner, specifically if an existing telephone utility, has attempted to reduce the requirements relative to establishing a pole attachment agreement and the timing of the make-ready work required. Although the existing rules could benefit from one-touch make-ready modifications, the make-ready timing requirements are clear. If the State wants to encourage broadband providers to build networks in our most rural areas, the timing of pole make-ready work is critical to providing services as quickly as possible. This amendment will assure ISPs that a negotiation will be fair and balanced and the PUC Administrative Rules with regards to pole make-ready work, will be followed.

PART III – Relative to the issuance of bonds for financing broadband infrastructure

We are all interested in expanding broadband to those premises most in need of services. The modifications to RSA 33.3-g. III clarifies the Request for Information (RFI) requirement for those addresses in town that are currently served at 25 Mbps down and 3 Mbps upload to primary providers only. Currently the existing providers have 60 days to respond to the RFI, shortening this to 30 days will allow towns and communication districts to issue Request for Proposals (RFPs) sooner allowing for a town to choose a public/private partner earlier.

This omnibus bill focuses on resolving issues with current legislation with the intent of reducing costs and time to deploy broadband access to premises across the State that do not yet have the

FCC minimum for broadband, 25 Mbps down and 3 Mbps upload. Over this past year, it has become evident that even that minimum definition is not enough, especially if you have multiple children and two adults all using the same access to work and attend school. As quickly as possible, at the least cost possible, we need to ensure all homes and business have access to adequate broadband. These changes will encourage ISPs and telecommunications carriers to expand their networks into the most rural areas.

If you have any question, feel free to email me at carole.monroe@valley.net.



New England Cable & Telecommunications Association, Inc.
The Enterprise Center • 121 Loring Avenue • Suite 340 • Salem, MA 01970
Tel: 781.843.3418

New England Cable & Telecommunications Association, Inc.

**Statement of the New England Cable & Telecommunications Association, Inc. regarding
SB 88 AN ACT adopting omnibus legislation relative to broadband.**

House Committee on Municipal and County Government

May 10, 2021

Good morning, my name is Maura Weston, thank you for the opportunity to speak to you today on behalf of the New England Cable and Telecommunications Association (NECTA). Our members, including Atlantic Broadband, Charter and Comcast, are New Hampshire's leading broadband and communications providers with over 450,000 customers in more than 184 communities. Our members are proud to be New Hampshire's first providers to offer gigabit speeds throughout their networks.

NECTA's comments are specifically relate to Part III of this bill. NECTA supports the approach included in Part III of SB 88 because it streamlines and makes more efficient the Request for Information (RFI) process relative to the issuance of bonds for financing broadband infrastructure, RFIs are required by statute so the communities can determine, for the purpose of issuing an RFP, what locations in town are unserved.

The updated RFI process under SB 88, Part III, will allow for more timely and informative responses. The bill creates an interested provider list by town, maintained by the office of strategic initiatives, such that those issuing RFIs will have the correct contact information for all interested providers. This will limit confusion or lack of response when a town unintentionally fails to issue a RFI to a provider in their town or issue it to the wrong employee or wrong address. Additionally, the bill clarifies what information providers are required to include in responses to RFIs.

While NECTA appreciates the approach set forth in SB 88, we would like to draw your attention to a drafting error included on line 33 of page 2 that includes the term "serviceable." We submit that the correct term included in this sentence should be "unserviceable" as the intention of this section is for when a town issues a RFP, they have to provide a map or spreadsheet showing which street segments are unserviceable so providers will know which areas they are proposing to build.

NECTA appreciates the opportunity to work with the sponsors and stakeholders on SB 88. Although this bill may not be perfect from every perspective, it reflects negotiations and compromise reached by parties coming together to help address the ongoing challenges of broadband deployment for the greater good of New Hampshire.

Thank you for the opportunity to testify. I would be happy to answer any questions that you may have.

Respectfully Submitted,

Maura Weston

Bill as
Introduced

SB 88 - VERSION ADOPTED BY BOTH BODIES

03/18/2021 0742s
06/24/2021 2054EBA

2021 SESSION

21-0924
06/05

SENATE BILL **88**

AN ACT adopting omnibus legislation relative to broadband.

SPONSORS: Sen. Kahn, Dist 10

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill adopts legislation relative to:

- I. The creation of communications district planning committees.
- II. Public utility regulation of utility pole attachments.
- III. The issuance of bonds for financing broadband infrastructure.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 88 - VERSION ADOPTED BY BOTH BODIES

03/18/2021 0742s
06/24/2021 2054EBA

21-0924
06/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation relative to broadband.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Sponsorship. This act consists of the following proposed legislation:

2 Part I: LSR 21-0924, relative to the creation of communications district planning committees,
3 sponsored by Sen. Kahn, Prime/Dist 10; Sen. Prentiss, Dist 5.

4 Part II: LSR 21-0444, relative to public utility regulation of utility pole attachments, sponsored
5 by Sen. Bradley, Prime/Dist 3; Rep. McConkey, Carr. 3; Rep. Umberger, Carr. 2; Rep. Marsh, Carr.
6 8; Rep. Deshaies Carr. 6.

7 Part III: LSR 21-0959, relative to the issuance of bonds for financing broadband infrastructure,
8 sponsored by Sen. Ward, Prime/Dist 8.

9 2 Legislation Enacted. The general court hereby enacts the following legislation:

10

11

PART I

12

Relative to the creation of communications district planning committees.

13

1 Communications District Planning Committee; Formation and Responsibilities. Amend RSA
14 53-G:2, I to read as follows:

15

I. The governing bodies of 2 or more municipalities may at their discretion~~], and shall upon~~
16 ~~a vote of their respective legislative bodies,~~ create a special unpaid committee to be known as a
17 communications district planning committee, consisting of at least 2 persons from each municipality
18 appointed by the respective governing bodies. The committee shall elect a chairperson, clerk, and
19 treasurer. Members may be reimbursed by the committee for costs of performing duties directly
20 related to the committee.

21

2 Effective Date. Part I of this act shall take effect 60 days after its passage.

22

23

PART II

24

Relative to public utility regulation of utility pole attachments.

25

1 Public Utilities; Pole Attachments. Amend RSA 374:34-a, III-V to read as follows:

26

III. The department of energy shall adopt rules under RSA 541-A to carry out the provisions
27 of this section, including appropriate formula or formulae for apportioning costs, **and shall adopt**
28 **rules under RSA 541-A implementing the provisions of One Touch Make Ready (OTMR) as**
29 **adopted by the Federal Communications Commission in 47 CFR 1.1411(j).**

1 IV. In exercising its authority under this subdivision, the department of energy shall
2 consider the interests of the subscribers and users of the services offered via such attachments, as
3 well as the interests of the consumers of any pole owner providing such attachments.

4 V. Nothing in this subdivision shall prevent parties from entering into pole attachment
5 agreements voluntarily, without department approval. ***In entering into pole attachment***
6 ***agreements, all parties shall abide by the timelines established by the department in rules***
7 ***adopted pursuant to RSA 541-A, for negotiating and implementing pole attachments. The***
8 ***failure of any party to do so may be considered a lack of good faith negotiation, unless each***
9 ***party agrees to following alternate timelines.***

10 2 Effective Date. Part II of this act shall take effect 60 days after its passage.

11
12 PART III

13 Relative to the issuance of bonds for financing broadband infrastructure.

14 1 Broadband Infrastructure Bonds. Amend RSA 33:3-g, III and IV to read as follows:

15 III. A municipality, ***county, or communications district*** shall not issue bonds for the
16 purpose of financing the development, construction, reconstruction, renovation, improvement, and
17 acquisition of broadband infrastructure in any location within a municipality, ***county, or***
18 ***communications district*** unserved by broadband as defined in RSA 38:38, I(c) unless a request for
19 information has been issued, at a minimum, to all providers serving the issuing community ***in***
20 ***accordance with RSA 33:3-g, IV*** and such providers have been given [~~2-months~~] ***30 days*** to
21 respond to the request. The request for information [~~may~~] ***shall*** include, but is not limited to,
22 information identifying [~~locations~~] ***addresses*** within a municipality, ***county, or communications***
23 ***district***, served by broadband as defined in RSA 38:38, I(c). ***A response shall meet the***
24 ***requirements of this paragraph if it includes, in either map or spreadsheet form, street***
25 ***level information identifying the first and last serviceable address.*** After completing, issuing,
26 and receiving responses to such request for information, a municipality, ***county, or***
27 ***communications district*** may issue a request for proposals for the purpose of engaging in a public-
28 private partnership pursuant to RSA 33:3 or RSA 33-B for the deployment of broadband
29 infrastructure, as defined in RSA 38:38, I(e), and the provision of broadband service as defined in
30 RSA 38:38, I(f). A municipality, ***county, or communications district*** may select a proposal based
31 on criteria including, but not limited to, provider ability to deploy, manage, and maintain a
32 broadband network. ***Requests for proposals shall include, in either map or spreadsheet form,***
33 ***street level information identifying the first and last serviceable address.*** A municipality,
34 ***county, or communications district*** may determine that no provider has met the criteria included
35 in the request for proposals and may issue bonds for purposes pursuant to RSA 33:3 and RSA 33-B,
36 including but not limited to, open networks. If a broadband provider does not respond to a request
37 for information pursuant to this paragraph, the locations served by that broadband provider shall be

1 considered unserved, unless those locations are served by a broadband provider who responded to
2 that municipality's request for information.

3 IV. ~~[Any request for information issued pursuant to this section after December 31, 2020~~
4 ~~shall conform with a model request for information issued by the New Hampshire department of~~
5 ~~business and economic affairs.] ***The office of planning and development shall maintain a list***
6 ***by town of all providers interested in receiving requests for information. The list shall***
7 ***include physical and electronic address information for interested providers and shall be***
8 ***updated as needed, but at least annually. For purposes of issuing requests for information***
9 ***pursuant to paragraph III, a municipality, county, or communications district shall***
10 ***reference the interested provider list maintained by the office of planning and development***
11 ***and shall issue requests for information to all interested providers in that municipality,***
12 ***county, or communications district, both electronically and by United States mail.***~~

13 2 Effective Date. Part III of this act shall take effect 60 days after its passage.