

LEGISLATIVE COMMITTEE MINUTES

SB88

Bill as Introduced

SB 88 - AS INTRODUCED

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 struck through~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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 commission shall adopt rules under RSA 541-A to carry out the provisions of this
27 section, including appropriate formula or formulae for apportioning costs, *and shall adopt rules*
28 *under RSA 541-A implementing the provisions of One Touch Make Ready (OTMR) as*
29 *adopted by the Federal Communications Commission in 47 CFR 1.411(j).*

1 IV. In exercising its authority under this subdivision, the commission shall consider the
2 interests of the subscribers and users of the services offered via such attachments, as well as the
3 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 commission approval. *In entering into pole attachment*
6 *agreements, all parties shall abide by the timelines established by the commission 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 38:3-g, III to read as follows:

15 III. A municipality shall not issue bonds for the purpose of financing the development,
16 construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure
17 in any location within a municipality unserved by broadband as defined in RSA 38:38, I(c) unless a
18 request for information has been issued, at a minimum, to all *primary* providers serving the issuing
19 community and such providers have been given [~~2 months~~] *one month* to respond to the request.
20 The request for information may include, but is not limited to, information identifying locations
21 within a municipality served by broadband as defined in RSA 38:38, I(c). After completing, issuing,
22 and receiving responses to such request for information, a municipality may issue a request for
23 proposals for the purpose of engaging in a public-private partnership pursuant to RSA 33:3 or RSA
24 33-B for the deployment of broadband infrastructure, as defined in RSA 38:38, I(e), and the provision
25 of broadband service as defined in RSA 38:38, I(f). A municipality may select a proposal based on
26 criteria including, but not limited to, provider ability to deploy, manage, and maintain a broadband
27 network. A municipality may determine that no provider has met the criteria included in the
28 request for proposals and may issue bonds for purposes pursuant to RSA 33:3 and RSA 33-B,
29 including but not limited to, open networks. If a broadband provider does not respond to a request
30 for information pursuant to this paragraph, the locations served by that broadband provider shall be
31 considered unserved, unless those locations are served by a broadband provider who responded to
32 that municipality's request for information.

33 2 Effective Date. Part III of this act shall take effect 60 days after its passage.

SB 88 - AS AMENDED BY THE SENATE

03/18/2021 0742s

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 struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

14

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

15

16

17

18

19

20

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

21

22

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

23

24 PART II

25 Relative to public utility regulation of utility pole attachments.

26

27

28

29

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

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

1 IV. In exercising its authority under this subdivision, the commission shall consider the
2 interests of the subscribers and users of the services offered via such attachments, as well as the
3 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 commission approval. *In entering into pole attachment*
6 *agreements, all parties shall abide by the timelines established by the commission 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 strategic initiatives shall maintain a list by town*
6 *of all providers interested in receiving requests for information. The list shall include*
7 *physical and electronic address information for interested providers and shall be updated*
8 *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 strategic initiatives and*
11 *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.

CHAPTER 198
SB 88 - FINAL VERSION

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 struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 198
SB 88 - FINAL VERSION

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:

1 198:1 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.

9 198:2 Legislation Enacted. The general court hereby enacts the following legislation:

10 PART I

11 Relative to the creation of communications district planning committees.

12 198:1 Communications District Planning Committee; Formation and Responsibilities. Amend
13 RSA 53-G:2, I to read as follows:

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

20 198:2 Effective Date. Part I of this act shall take effect 60 days after its passage.

21 PART II

22 Relative to public utility regulation of utility pole attachments.

23 198:1 Public Utilities; Pole Attachments. Amend RSA 374:34-a, III-V to read as follows:

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

CHAPTER 198
SB 88 - FINAL VERSION
- Page 2 -

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.*

10 198:2 Effective Date. Part II of this act shall take effect 60 days after its passage.

11 PART III

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

13 198:1 Broadband Infrastructure Bonds. Amend RSA 33:3-g, III and IV to read as follows:

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

CHAPTER 198
SB 88 - FINAL VERSION
- Page 3 -

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.*

198:2 Effective Date. Part III of this act shall take effect 60 days after its passage.

Approved: August 10, 2021

Effective Date:

Part I shall take effect October 9, 2021

Part II shall take effect October 9, 2021

Part III shall take effect October 9, 2021

Amendments

Amendment to SB 88

1 Amend Part III of the bill by replacing section 1 with the following:

2

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

4 III. A municipality shall not issue bonds for the purpose of financing the development,
5 construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure
6 in any location within a municipality unserved by broadband as defined in RSA 38:38, I(c) unless a
7 request for information has been issued, at a minimum, to all **primary** providers serving the issuing
8 community and such providers have been given ~~[2 months]~~ **30 days** to respond to the request. The
9 request for information may include, but is not limited to, information identifying ~~[locations]~~
10 **addresses** within a municipality served by broadband as defined in RSA 38:38, I(c). After
11 completing, issuing, and receiving responses to such request for information, a municipality may
12 issue a request for proposals for the purpose of engaging in a public-private partnership pursuant to
13 RSA 33:3 or RSA 33-B for the deployment of broadband infrastructure, as defined in RSA 38:38, I(e),
14 and the provision of broadband service as defined in RSA 38:38, I(f). A municipality may select a
15 proposal based on criteria including, but not limited to, provider ability to deploy, manage, and
16 maintain a broadband network. A municipality may determine that no provider has met the criteria
17 included in the request for proposals and may issue bonds for purposes pursuant to RSA 33:3 and
18 RSA 33-B, including but not limited to, open networks. If a broadband provider does not respond to
19 a request for information pursuant to this paragraph, the locations served by that broadband
20 provider shall be considered unserved, unless those locations are served by a broadband provider
21 who responded to that municipality's request for information.

Amendment to SB 88

1 Amend section 1 of Part II of the bill by replacing RSA 374:34-a, III with the following:

2

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

7

8 Amend the bill by replacing Part III with the following:

9

PART III

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

11 1 Broadband Infrastructure Bonds. Amend RSA 33:3-g, III and IV to read as follows:

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

1 including but not limited to, open networks. If a broadband provider does not respond to a request
2 for information pursuant to this paragraph, the locations served by that broadband provider shall be
3 considered unserved, unless those locations are served by a broadband provider who responded to
4 that municipality's request for information.

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

16 2 Effective Date. Part III of this act shall take effect 60 days after its passage.

UNAPPROVED

Office of Strategic Initiatives

Amendment to SB 88

1 Amend section 1 of Part II of the bill by replacing RSA 374:34-a, III with the following:

2
3 III. The commission shall adopt rules under RSA 541-A to carry out the provisions of this
4 section, including appropriate formula or formulae for apportioning costs, **and shall adopt rules**
5 **under RSA 541-A implementing the provisions of One Touch Make Ready (OTMR) as**
6 **adopted by the Federal Communications Commission in 47 CFR 1.1411(j).**

7
8 Amend the bill by replacing Part III with the following:

9
10 PART III

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

12 1 Broadband Infrastructure Bonds. Amend RSA 33:3-g, III and IV to read as follows:

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

Amendment to SB 88

- Page 2 -

1 in the request for proposals and may issue bonds for purposes pursuant to RSA 33:3 and RSA 33-B,
2 including but not limited to, open networks. If a broadband provider does not respond to a request
3 for information pursuant to this paragraph, the locations served by that broadband provider shall be
4 considered unserved, unless those locations are served by a broadband provider who responded to
5 that municipality's request for information.

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

16 2 Effective Date. Part III of this act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: January 28, 2021

HEARINGS

Monday	02/01/2021
(Day)	(Date)
Election Law and Municipal Affairs	REMOTE 9:00 a.m.
(Name of Committee)	(Place) (Time)
9:00 a.m. SB 84	adopting omnibus legislation relative to the posting of notices on land and relative to public bodies.
9:20 a.m. SB 85-FN	establishing a broadband matching grant initiative and fund.
10:00 a.m. SB 88	adopting omnibus legislation relative to broadband.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/97288468505>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13126266799, 97288468505#, *780982# or 16465588656, 97288468505#, *780982#
4. Webinar ID: 972 8846 8505
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWtA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 84

Sen. Reagan

SB 85-FN

Sen. Bradley

Sen. Sherman

Sen. Gannon

Sen. Hennessey

Rep. Cushing

SB 88

Sen. Kahn

Sen. Cavanaugh

Sen. Ward

Sen. Giuda

Sen. Carson

Sen. Avard

Sen. Watters

Sen. Rosenwald

Rep. Umberger

Sen. Prentiss

Sen. Daniels

Sen. D'Allesandro

Rep. Marsh

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

SB 88, adopting omnibus legislation relative to broadband.

Hearing Date: February 1, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill 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.
-

Sponsors:

Sen. Kahn

Who supports the bill: Senator Jay Kahn, Senator Jeb Bradley, Senator Ruth Ward, Senator Bob Giuda, Catharina Plomp, William Darcy, Ellen Scarponi, Nik Coates, Carole Monroe, Mark Dean, Matthew Plache, Nicole Fordey, Margaret Byrnes, Mary Cronin, Glenn Coppelman, Rick Hiland, Brigitte Codling, Rebecca Wilson, Carol Miller

Who opposes the bill: Maura Weston

Who is neutral on the bill: Teresa Rosenberger

Summary of testimony presented in support:

Senator Jay Kahn

- Relative to Part I which amends RSA 53:G, which was enacted July 20, 2020.
- The goal of that was to create a Communications District Planning Committee to attract broad band providers for underserved areas of the state.
- This district would allow providers to serve multiple towns with the same project similar to bulk purchasing.
- In section 2:1 of the statute, towns have observed a problem which SB 88, Part I addresses.
- In the current wording it would take a vote in year one at multiple town meetings before the towns could name people to a Communications District Planning Committee.
- Then in year two, the town could consider the proposal of the Planning Committee.
- Towns can do this quicker by themselves without that two-step process.
- To place a Communications District on the same process as a single towns planning process, Part I removes the language the authors feel in hindsight was incorrect.
- On page 1, line 15, it removes a few words that will allow the municipalities to name people to the Planning Committee and then that Planning Committee will follow the same process for bonding as any town.
- They will prepare their proposal the bond would go to hearings in each of the towns and warrant articles will be presented for approval.

Senator Jeb Bradley

- Part II will have the Public Utilities Commission implement the One Touch Make Ready which is a Federal Communications Commission order that was passed in 2018.
- It is designed to ease and simplify the deployment of wires on poles by better sequencing and allowing single construction crews to be able to facilitate the poles on wires.
- There is expected to be a significant cost savings under this process.
- The FCC has estimated that it could be up to one billion dollars across the country.
- This was brought to him by Carroll County Broadband.

Senator Ruth Ward

- Part III of the SB 88 was requested by a constituent and it has to do with section 33:3-G of the Municipal Finance Act. There are three minor changes they would like.
- Giving two months to reply to a request was too long and they would like it brought down to one month.
- After discussing this with the stakeholders they all agreed that changing it to thirty days would make it more specific.
- The wording “all providers” would change to “all Primary providers.”
- On line 20, location needed is not specific enough and they would like an actual address.

Senator Jay Kahn

- He supports Part II and III of the bill. In Part III, Senator Ward is making the changes that he would have made as well.
- One month to thirty days and location to be replaced with addresses are good changes.
- Some towns when receiving locations have received maps of the addresses that are illegible.
- Towns are now just asking to get a list of addresses that are currently served so they can have an understanding of who is unserved.
- Providers should be able to do that within the one month or thirty day RFI window.
- Regarding adding the word Primary, smaller providers are hard to contact for multiple reasons and the attempt to try and contact all providers in a district has been difficult.

William Darcy

- Part II of the bill is very important to all towns that have substandard service.
- One touch is a means used by other states and by agreement in the CARES rollout and it has worked well.
- It is a system that is cost effective and gets service to residents as quickly as possible.

Ellen Scarponi – Consolidated Communications

- They support SB 88 with the changes that the Senators have talked about.
- They have worked with about 50 towns since the institution of municipal broadband bonding.
- These are the issues that they have also heard from the towns that they have worked with.
- They support the One Touch Make Ready in Part II but would recommend that they delete section 374:34 A V.
- The timelines mentioned there are in Rules already and having this section could have unintended consequences.
- Sometimes providers will negotiate times in an agreement that are shorter than the ones in the PUC timeframes. Having the mandate would require the provider to revert to the longer timeframe.
- With One Touch Make Ready that will shorten the timeframes considerably, they do not feel that this section is necessary.

Nick Coates – Chair, Grafton County Broadband Committee

- They support Parts I and II.
- He has two amendment requests which he has submitted to Senator Bradley.
- With the One Touch Make Ready system there were no penalties for missing deadlines so he is hesitant to agree that the language should change from May, to Shall.
- The One Touch system allowed them to deploy their project on a very tight timeline.
- In 33:3 G he would ask that the word county and counties be added to that.
- Counties are mentioned in other aspects of 33:3.
- He would recommend that the RFI process be streamlined in a way that is a free market approach.
- Let the free market dictate the situation, similar to the way municipalities deploy waste water and water projects when they bond them.
- The municipalities go out to RFP, there are no hoops like RFIs and there are no waiting periods.
- He recommends that the Committee streamline the language in section 33:3-G III.
- One of the benefits of his changes is that they walk away from the 25/3 standard.
- This allows communication districts to go out and bond with private partners and do projects at speeds not just for now but for the future.

Carole Monroe – Board Chair, Valley Net

- In Part I, the amendment to RSA 53-G:2 is straightforward it allows the governing body to create the Communication District Planning Committee instead of waiting for the legislative body.
- This will reduce the time needed to create the planning committee and get the process started quicker. The way it is currently worded it takes two years
- In Carroll County they have done a lot of work already but still need to go before the town to request the formation of a committee that has already been established.
- Regarding Part II, in many cases it makes sense to have one qualified technician move all the facilities on the pole rather than have each utility, schedule and have their own technician come out.
- One touch Make Ready has been incorporated in the process since 2018 and in most cases the utility already outsources that pole Make Ready work.
- This change will encourage multiple service providers to expand their networks into unserved areas and it will reduce the time and cost for Make Ready work.
- In the PUC Chapter 1300, Utility Pole Attachments, it does include the requirement to negotiate an agreement with pole utility owners.
- If the state wants to encourage broadband providers to build networks in the most rural areas, the timing of the pole Make Ready work is critical.
- The timeline indicated in the rules is the maximum timeline, any utility that can do it quicker is welcome, but to extend those times without penalties is what needs to be avoided.
- The modifications to RSA 33:3-G, clarifies the RFI requirement for addresses to the town which will help to determine who is served and who is unserved.

Mark Dean – NH Electric Co-Op

- They support Part II of the bill. The Co-Op serves about 85,000 customers in about 18 towns in NH. They own roughly 100,000 utility poles in New Hampshire.
- In the last year, they have decided to attempt to bring high speed internet service to its members and some non-members.
- Part of that project involved participating in two CARES ACT programs that brought service to unserved Co-Op members in Colebrook, Lempster, Clarksville and Stewartstown.
- The standard that the Co-Op is building to is one gig symmetrical.
- They were able to build its CARES projects because it reached an agreement with CCI and were able to use One Touch Make Ready work for both projects.

- They are very supportive of this system and would like to see it made standard without the regulatory process.

Matthew Plache – Vice Chair, Carroll County Broadband Committee

- They strongly support Part II of the bill.
- When the FCC adopted One Touch Make Ready, they estimated that billions of dollars would be saved in deployment costs and it would help speed deployment to millions of citizens in rural areas.
- It has been successful in doing that in other states and it should work in NH.
- One Touch Make Ready only applies to simple attachments in the communication space, it does not apply to more complicated attachments or moving electrical wires.
- Regarding the timelines, when there is a deadline for doing something it is not mandatory that the full amount of time is used. They can always do it quicker than the deadline.

Summary of testimony presented in opposition:

Maura Weston – New England Cable and Telecommunications Association

- They are opposed to the bill as written and look forward to working with the sponsors on some proposed changes in the form of an amendment.
- In Part II of the bill, directing the PUC to adopt One Touch Make Ready, rather than a mandate, it is their position that it would be more appropriate to direct the Public Utilities Commission to consider adopting this provision.
- The PUC has adopted its own Make Ready and pole attachment rules at the end of 2018,
- Those rules and the FCC's Make Ready rules are very similar.
- A decade ago, the Legislature decided that NH should take regulatory authority over pole attachment rates, terms and conditions.
- The PUC's ability to tailor its unique circumstances and adjudicate it more quickly was the main advantage to that decision.
- The PUC has shown that it has substantial experience in identifying and balancing a myriad of important factors including the interests of pole owners, network attaching entities and municipalities, including our members, and consumers through its regular work.
- They urge the Committee to replace "shall" in line 27 of page one with "may".
- There is a drafting error, the proper citation for the FCC's OTMR order is 47 CFR 1.1411(j).
- Part III of the Bill seeks to shorten the time providers have to respond to a Request for Information (RFI) and limits the universe of providers who must be issued an RFI.
- RFIs are required by statute so that communities can determine, for the purpose of issuing an RFP, what locations in town are unserved.
- NECTA opposes adding "primary" in line 18 of Page 2 because it subverts the legislative intent that public money is not used to duplicate existing private investment and that this investment occurs where it is truly needed.
- They understand the intent of this provision and suggest that instead the legislature amend the law to require towns to issue their RFIs to all providers on an "Interested Providers" list maintained by the Bureau of Economic Affairs or other appropriate state agency.
- Providers could indicate on this list each town for which they wish to receive an RFI should one be issued and who the proper point of contact is.
- This will make sure that any entity that is interested can respond to the RFI.
- Part III also shortens the time that providers have available to respond to an RFI from 2 months to 1 month and they believe that window should remain two months.
- Information requested by towns can be inconsistent which makes it hard for providers to respond in a timely manner.
- NECTA members frequently receive requests for information related to the RFI process which the member either does not have, cannot easily produce or cannot provide in the format demanded by the town.

- **Clarity and consistency would benefit the towns and the providers and would help avoid needless disagreement.**

Neutral Information Presented:

Teresa Rosenberger – NH Telephone Association

- **They would like to work with the Senators on an amendment for Part II.**
- **They have a concern about consistency with the federal and NH rules and the 60 day passage.**
- **They had worked with Senator Bradley, Senator Kahn and other stake holders on language that would help not only get information to the municipalities of who all the providers are but also move up the RFI process and make sure the information was accurate.**
- **They would love to work with Senator Ward to see if some of that language can be worked into the amendment to be sure all providers will be notified if there is going to be an RFI.**

TJM

Date Hearing Report completed: February 7, 2021

Speakers

Election Law and Municipal Affairs Committee Testify List for Bill SB88 on 2021-02-01

Support: 19 Oppose: 1 Neutral: 1 Total to Testify: 11

Name	Title	Representing	Position	Testifying
Kahn Jay	An Elected Official	Senate District 10	Support	Yes
Ward Senator Ruth	An Elected Official	Senate District 8 (Supporting Part III PRIME)	Support	Yes
Darcy William	An Elected Official	Town of Benton	Support	Yes
Scarponi Ellen	A Lobbyist	Consolidated Communications	Support	Yes
Weston Maura	A Lobbyist	New England Cable and Telecommunications Association	Oppose	Yes
Coates Nik	A Member of the Public	Town of Bristol	Support	Yes
Monroe Carole	A Member of the Public	Myself	Support	Yes
Dean Mark	A Lobbyist	New Hampshire Electric Cooperative	Support	Yes
Plache Matthew	An Elected Official	Carroll County and Carroll County Broadband	Support	Yes
Rosenberger Teresa	A Lobbyist	NH Telephone Association	Neutral	Yes
Bradley jeb	An Elected Official	Myself SD 3 PART 2	Support	Yes
Giuda Bob	An Elected Official	NH Senate District 2	Support	No
Fordey Nicole	A Member of the Public	Myself	Support	No

Byrnes Margaret	A Lobbyist	NH Municipal Association	Support	No
Cronin Mary	A Member of the Public	Myself	Support	No
Coppelman Glenn	A Member of the Public	North Country Council	Support	No
Hiland Rick	An Elected Official	Myself & Carroll County Broadband Committee	Support	No
Codling Brigitte	A Member of the Public	Town of Haverhill	Support	No
Wilson Rebecca	A Lobbyist	New Hampshire School Boards Association	Support	No
Miller Carol	A Member of the Public	Myself	Support	No
Plomp Catharina	A Member of the Public	Myself	Support	No

Testimony



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 Senate bill 88 AN
ACT adopting omnibus legislation relative to broadband.**

February 1, 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.

As this legislation is an omnibus Bill NECTA wishes to provide comment on each part separately.

Part 2 of the Bill directs the Public Utilities Commission (PUC) to adopt the Federal Communications Commission's (FCC) One Touch Make Ready (OTMR) order found in 47 CFR 1.14119(j). NECTA believes that it would be more appropriate to direct the Public Utilities Commission to consider adopting this provision rather than mandating such action. First, the PUC recently adopted its own make ready and pole attachment rules at the end of 2018. The state rules and the FCC's OTMR rules are very similar and both contain many provisions intended to safely accelerate and ease network deployment. These objectives are endorsed by all NECTA members. Secondly, the legislature determined that New Hampshire should take regulatory authority over pole attachment rates, terms and conditions over a decade ago. One of the advantages proponents cited was the PUC's ability to tailor its rules to the state's unique circumstances and adjudicate disputes more quickly. Lastly

We urge the Committee to replace "shall" in line 27 of page one with "may". Further, please note that there is a drafting error, the proper citation for the FCC's OTMR order is 47 CFR 1.1411(j).

Part 3 of the Bill seeks to shorten the time providers have to respond to a Request for Information (RFI) and limits the universe of providers who must be issued an RFI. RFIs are required by statute so that communities can determine, for the purpose of issuing an RFP, what locations in town are unserved.

NECTA opposes adding "primary" in line 18 of Page 2 because it subverts the legislative intent that public money is not used to duplicate existing private investment and that this investment occurs where it is truly needed. NECTA understands the intent of this provision and suggests that instead the legislature amend the law to require towns to issue their RFIs to all providers on an "Interested Providers" list maintained by the Bureau of Economic Affairs or other appropriate state agency. Providers could indicate on this list each town for which they wish to receive an RFI should one be issued and who the proper point of contact is.

This alternative solution will address the towns' concern that they may not have awareness of all providers or may unintentionally fail to issue a RFI to a provider in their town. Towns often issue RFIs to the wrong employee, no employee or the wrong address creating delay or even unintentional failure to respond. Most importantly, it will preserve the intent of only spending public resources where truly needed.

Part 3 also shortens the time that providers have available to respond to an RFI from 2 months to 1 month. NECTA's concern is two-fold. First, given the delays described above, providers may miss the opportunity to respond for reasons entirely beyond their control. Second, the inconsistency of the information requested by towns makes accommodating a shorter time frame unreasonable. NECTA members frequently receive requests for information related to the RFI process which the member either does not have, cannot easily produce or cannot provide in the format demanded by the town. No good faith effort to provide information should be rejected.

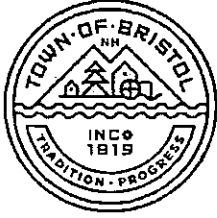
NECTA proposes that a shorter time frame would be acceptable if an amendment were added to clarify what constitutes an acceptable response to an RFI. Clarity and consistency would benefit the towns and the providers and would help avoid needless disagreement.

With respect to Part 2 and Part 3 of SB 88 NECTA respectfully requests an opportunity for stakeholders to work with sponsors and any other member on improvements to the Bill which can address all parties' desire to improve this process. NECTA and its members stand ready to participate in that effort.

Thank you for your attention to this matter, I would be happy to answer any questions that you may have.

Respectfully Submitted,

Maura Weston



Town of Bristol
5 School Street
Bristol, NH 03222
—
townofbristolnh.org
(603) 744-3354

TO: Senate Election Laws and Municipal Affairs, Senator Kahn and Senator Bradley

CC: Senator Giuda, Senator Hennessey and Grafton County Broadband Committee Members

FROM: Nik Coates, Bristol Town Administrator and Grafton County Broadband Committee Chair

DATE: February 3, 2021

RE: Follow Up Comments Regarding SB88

Honorable Committee Members, the Grafton Country Broadband Committee (GCBC) respectfully provides the following written comments follow up to our January 31 testimony on Senate Bill 88.

Part I.

The GCBC supports this section and agrees with the testimony provided by Senator Kahn and the Carroll County Broadband Committee.

Part II.

The GCBC supports this section and agree with the testimony provided by Senator Bradley and the Carroll County Broadband Committee.

Part III.

The GBCB wishes to reiterate our request that counties be added to all of RSA 33:3-g to afford us the opportunity to bond for broadband projects. Previous testimony is attached.

We requested larger changes to the process in RSA 33:3-g, III. The removal of the language, which was outlined in previous testimony, focuses on providing local governments with the requisite control in determining what their local communities want and need in terms of broadband service.

One of the biggest issues with the current statute is that it creates both a proverbial "floor" and "ceiling" (which unfortunately are the same) for the implementation of broadband systems which poses an incredible obstacle that most local governments are unable to overcome. The law only allows municipal forms of government with the ability to address "unserved" areas which are ultimately defined by the Federal Communications Commission (often referred to as the 25/3 standard). It is a commonly understood notion that this federal standard of what constitutes adequate broadband service is incredibly antiquated and does not account for modern-day needs.

Moreover, the statute puts the local broadband providers in a position of power over local government as it allows these companies to identify if any areas within a particular community are deemed as "unserved." The methods by which this level of service is determined (by the companies) is very controversial from which local government is typically unable to confirm or rebut (if necessary). Essentially, local government must rely upon the private sector to decide if the local broadband service is adequate rather than, having the public decide that issue.

The amendments to this statute help to restore municipal and county governments with the same authority as well as trust that the State provides for all other measures that require governmental bonding initiatives. The State has provided local government with a wide array of discretion in determining the needs of a community and with the local control to dictate the level of response that a municipality or county may implore for projects such as: the construction of governmental buildings, the installation of utilities or any other governmental function that requires long-term financing.

New Hampshire's local governments have always undertaken any project, that requires long-term borrowing, with the utmost seriousness as well as prudence in order to ensure that public funds are being spent wisely and to only the extent necessary for each particular circumstance or community. It is not in New Hampshire's DNA to overbuild or waste taxpayer money on frivolous endeavors. Furthermore, the taxpayers would never allow for that kind of reckless spending (as they must ultimately approve of any bonding projects).

Consequently, municipalities and counties proceed on a very conservative track in terms of only investing in projects that are both necessary and wanted by the residents that they serve. As a result, we firmly believe that local government will undertake the same approach to broadband systems that they apply to all other municipal projects in that they will only pursue and fund those that truly provide a public benefit.

The amendments to RSA 33:3-g attempt to accomplish two primary goals:

1) remove the completely unnecessary restriction as to what constitutes adequate broadband service (which is based upon an outdated federal standard); and

2) restore local governments with the requisite control in determining what their local communities want and need in terms of broadband service.

Please note, these proposed changes are done with the understanding that local government is merely a funding source for the private sector (who will be ultimately responsible for building, maintaining the systems as well as paying off this governmental debt).

These amendments should serve to benefit the public (who will now have an ability to determine what level of broadband service is adequate for their needs) and the broadband companies will be assisted in providing this service with the help of low interest financing (that usually is only available by and through governmental bonds). It is truly a win-win scenario if the Legislature approves of these amendments to RSA 33:3-g.

While it would be to everyone's benefit if the private sector were to take on this challenge alone and forego the need for governmental assistance, it is abundantly clear that the rural areas of New Hampshire do not provide a sufficient customer base in which companies are willing to invest substantial capital given such a slow return on investment. Therefore, this lack of adequate broadband service in the rural areas of New Hampshire is going to require a public/private solution.

The proposed changes to RSA 33:3-g are intended to generate interest in local government taking the initiative to investigate the need for improved broadband service in their communities and to provide the means to assist the private sector in bringing this crucial service to the people of New Hampshire.

For More Information:

We appreciate your consideration of these requests. Please feel free to contact me at 744-3354 ext. 114 or at townadmin@townofbristolnh.org.

Respectfully submitted,

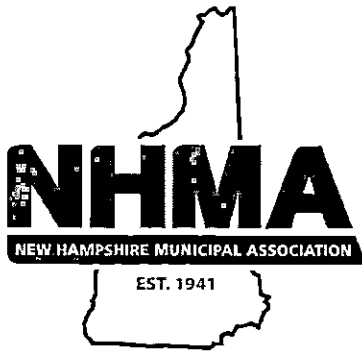
Nik Coates
Bristol Town Administrator

Brigitte Codling
Haverhill Town Manager

Andrew Dorsett
Littleton Town Manager

Carina Park
Campton Town Administrator

Michael Samson
Canaan Town Administrator



January 31, 2021

Honorable James Gray, Chair
Election Law and Municipal Affairs Committee
Legislative Office Building
Concord, New Hampshire

Via Electronic Delivery Only

Re: SB 85 and 88, relative to broadband

Dear Chairman Gray and Members of the Committee:

I write to express the support of the New Hampshire Municipal Association for SB 85 and SB 88. NHMA is a nonprofit, nonpartisan, voluntary membership organization for the cities and towns in our state. Our legislative policies are created and adopted by our members. All 234 cities and towns are members of NHMA.

The need for high-speed and reliable internet in all areas of the state has become a top priority for municipalities, but particularly those in the more rural areas of the state. Although access to the internet has long been an important issue for local government, the COVID-19 pandemic has created a new sense of urgency, as business, education, and the operation of government depends on access and connectivity.

This legislation would serve to address challenges municipalities face in undertaking broadband infrastructure projects. SB 85 would greatly increase the ability of municipalities, especially those in rural and remote areas, to facilitate and advance access to reliable broadband technology to the premises in their communities, through state and federal matching grants, for installation of high-speed fiber optic broadband technology to serve all New Hampshire communities, homes, and businesses.

SB 88 helps remove other obstacles. Part I makes a small change to the communications district bill passed by the legislature last year. The amendment will allow governing bodies of municipalities to form a communications district planning committee, for the purpose of exploring whether to create a communications district. The creation of the district will still require a legislative body vote (i.e., a town meeting vote in most towns), but this amendment means that municipalities do not need to wait through two town meeting cycles to ultimately form a communications district.

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

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

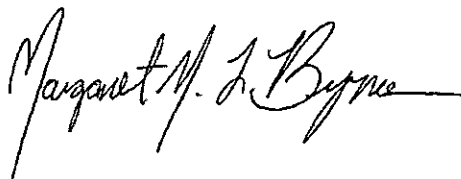
www.nhmunicipal.org

Part II is directly in line with NHMA's policy to support legislation that provides flexibility for municipalities in accessing poles and pole attachments, including legislation that directs the New Hampshire Public Utilities Commission to adopt the FCC rule on access to poles called "One-Touch-Make-Ready" in order to facilitate bringing high-speed fiber optic cable to service all communities, homes, and businesses by internet service providers in an expedient and cost-effective manner.

Finally, Part III helps to move along the RFI (request for information) process that is required by law for acquiring bonds for broadband infrastructure, by decreasing the response time for providers from two months to one month. We would support a slight amendment to the bill's language that would change "one month" to "30 days," as this will prevent any ambiguity in determining the timeframe. We also understand that an amendment may be presented to require providers to provide "address level detail" in response to an RFI. As this information is readily available to providers and will assist municipalities in moving forward with broadband infrastructure projects, we would also support this addition to the legislation, subject to reviewing the language.

Thank you for your time in considering these important pieces of legislation. Please do not hesitate to contact me if you require any additional information or have any questions.

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 at the end.

Margaret Byrnes
Executive Director

Re: F/U on RSA 33;3g

From: "Nicholas (Nik) Coates" <townadmin@townofbristolnh.org>

Date: 02/01/2021 09:18PM

To: "ruthward@myfairpoint.net" <ruthward@myfairpoint.net>

Senator Ward,

I appreciate the opportunity to respond more fully and I wanted to take this opportunity to further supplement and build upon my earlier comments as to the causes and intentions of proposing changes to RSA 33:3-g. I would welcome continued dialog about this issue. Toward the end of the week, I will send the committee some additional written comments, too.

One of the biggest issues with the current statute is that it creates both a proverbial "floor" and "ceiling" (which unfortunately are the same) for the implementation of broadband systems which poses an incredible obstacle that most local governments are unable to overcome. The law only allows municipal forms of government with the ability to address "unserved" areas which are ultimately defined by the Federal Communications Commission (often referred to as the 25/3 standard). It is a commonly understood notion that this federal standard of what constitutes adequate broadband service is incredibly antiquated and does not account for modern-day needs. Moreover, the statute puts the local broadband providers in a position of power over local government as it allows these companies to identify if any areas within a particular community are deemed as "unserved". The methods by which this level of service is determined (by the companies) is very controversial from which local government is typically unable to confirm or rebut (if necessary). Essentially, local government must rely upon the private sector to decide if the local broadband service is adequate rather than, having the public decide that issue.

The amendments to this statute help to restore municipal and county governments with the same authority as well as trust that the State provides for all other measures that require governmental bonding initiatives. As I alluded to earlier, the State has provided local government with a wide array of discretion in determining the needs of a community and with the local control to dictate the level of response that a municipality or county may implore for projects such as: the construction of governmental buildings, the installation of utilities or any other governmental function that requires long-term financing. New Hampshire's local governments have always undertaken any project, that requires long-term borrowing, with the utmost seriousness as well as prudence in order to ensure that public funds are being spent wisely and to only the extent necessary for each particular circumstance or community. It is not in New Hampshire's DNA to overbuild or waste taxpayer money on frivolous endeavors. Furthermore, the taxpayers would never allow for that kind of reckless spending (as they must ultimately approve of any bonding projects). Consequently, municipalities and counties proceed on a very conservative track in terms of only investing in projects that are both necessary and wanted by the residents that they serve. As a result, we firmly believe that local government will undertake the same approach to broadband systems that they apply to all other municipal projects in that they will only pursue and fund those that truly provide a public benefit.

The amendments to RSA 33:3-g attempt to accomplish two primary goals: 1) remove the completely unnecessary restriction as to what constitutes adequate broadband service (which is based upon an outdated federal standard); and 2) restore local governments with the requisite control in determining what their local communities want and need in terms of broadband service. Please note, these proposed changes are done with the understanding that local government is merely a funding source for the private sector (who will be ultimately responsible for building, maintaining the systems as well as paying off this governmental debt).

These amendments should serve to benefit the public (who will now have an ability to determine what level of broadband service is adequate for their needs) and the broadband companies will be assisted in providing this service with the help of low interest financing (that usually is only available by and through governmental bonds). It is truly a win-win scenario if the Legislature approves of these amendments to RSA 33:3-g.

While it would be to everyone's benefit if the private sector were to take on this challenge alone and forego the need for governmental assistance, it is abundantly clear that the rural areas of New Hampshire do not provide a sufficient customer base in which companies are willing to invest substantial capital given such a slow return on investment. Therefore, this lack of adequate broadband service in the rural areas of New Hampshire is going to require a public/private solution. The proposed changes to RSA 33:3-g are intended to generate interest in local government taking the initiative to investigate the need for improved broadband service in their communities and to provide the means to assist the private sector in bringing this crucial service to the people of New Hampshire.

Thank you,

-Nik

From: ruthward@myfairpoint.net <ruthward@myfairpoint.net>
Sent: Monday, February 1, 2021 3:03 PM
To: Nicholas (Nik) Coates <townadmin@townofbristolnh.org>
Subject: RE: F/U on RSA 33:3g

Thank you. Take your time. I just want something to bring to the hearing next Monday.
Senator Ward.

On Mon, 1 Feb 2021 19:59:44 +0000, "Nicholas (Nik) Coates" <townadmin@townofbristolnh.org> wrote:

Hi Ruth,

Thank you for getting back to me. I am running around meetings most of today and tomorrow, but will make sure to get in touch with you tonight or tomorrow night to answer your questions. The short of it is that yes, the idea is that I believe strongly in local control and that the best way to proceed is for towns/cities, counties and communications districts to have the flexibility needed to build something to their needs. As an example, Bristol in building an extension to our wastewater system which is on town and state right of way as well as private property. We were authorized by voters to bond for the project and then we went out to RFP. There is no multi-step RFI process to go through.

There was a point made today about ensuring public funds to go toward overbuilding broadband networks. If the current broadband systems were adequate, would we really be talking about the need to provide public funding to build out? I presented at a national conference of telcom companies a couple years ago and the lobbyists said, what exists in communities is "good enough doesn't need to be any bigger." We don't build roads, bridges and sewer and water systems that way. We build for the needs not just now, but in the future.

Please feel free to give me a call or email anytime. I'll spend some more time working on an answer for you over the next couple of days.

Thank you.

-Nik

.....
Nicholas J. Coates (Nik), Town Administrator
Town of Bristol
5 School Street
Bristol, NH 03222
www.townofbristolnh.org
townadmin@townofbristolnh.org
603.744.3354 x 3

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

From: ruthward@myfairpoint.net
Sent: Monday, February 1, 2021 2:04 PM
To: Nicholas (Nik) Coates
Subject: F/U on RSA 33:3g

Dear Nick,

I have read through the original, and your version of this section. You left out almost half of the present section III. Was that on purpose?

There is nothing about providers, time to respond to requests, or being specific about location (address).

I would appreciate your response by end of this week.

Thank you.

Sincerely,

Ruth Ward

NH State Senator D 8

Tricia Melillo

From: Rick Hiland <r.hiland@myfairpoint.net>
Sent: Sunday, January 31, 2021 7:44 PM
To: Tricia Melillo
Subject: RE: SB 88 Testimony

Importance: High

Hello Committee Members,

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

I cannot attend the hearings today on SB 85 and SB 88 as I have the dinosaur slow line called DSL (20 mbps/1.5 mbps). 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.

SB 88 is a good bill as it is. I encourage you to support passage.

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. Expedites the RFI process by reducing the time for a provider to respond to a RFI request from 2 months to 1 month. This should not unnecessarily burden broadband providers in this electronic format day and age.

Thank you.

Rick Hiland

Carroll County Broadband, Co-Chairman
Albany NH Selectman – Chairman
Director - NHMA
r.hiland@myfairpoint.net
603-447-4833

CCBroadband



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 85, Establishing a broadband matching grant initiative and fund.

Sponsors: Sen. Bradley, District 3; Sen Cavanaugh, District 16; Sen Avard, District 12; Sen Prentiss, District 5; Sen Sherman, District 24; Sen Ward, District 8; Sen. Waters, District 4; Sen Daniels, District 11; Sen Gannon, District 23; Sen Giuda, District 2; Sen Rosenwald, District 13; Sen D'Allesandro, District 20; Sen Hennessy, District 1; Sen Carson, District 14; Rep Umberger, Carr.2; Rep Marsh, Carr.8; Rep Cushing, Rock.21.

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.

SB 85 establishes the broadband matching grant initiative and fund in the Office of Strategic Initiatives with the purpose of providing matching grants of state and federal funds to political subdivisions and private funds to expand real broadband for universal access across the State of New Hampshire.

II. Although the current FCC minimum definition of broadband is 25 Mbps Down/ 3 Mbps upload, I encourage you to prioritize all state and federal matching grants to those telecommunication and internet service providers that will deliver a minimum of 100 Mbps symmetrical service and preference to those that can deliver a gigabit to the premises.

As seen in the recent FCC Rural Digital Opportunities Fund auction, most auction respondents bid at the low latency/gigabit service tier. For those building new networks or expanding old networks reaching those levels should not be difficult. Over this past year, it has become evident that the minimum FCC definition is not enough, especially if you have multiple children and two adults all using the same access to work and attend school.

III. Having completed several feasibility and business plans for communications districts, while waiting to establish a public private partnership a District may embark on the initial phases of network planning, including utility pole collection, high level design and network engineering.

These tasks should not be seen as ‘construction’ and the entities should be able to participate in the matching grant program. During the distribution of the Cares funding, towns that had already established a public private partnership but had not begun network construction were prohibited from participating in the Cares funding opportunity. These towns borrowed general obligation bonds to fund their portion of construction, when it might have been possible to reduce those costs to the town and resident tax payers.

I also encourage you to include subject matter experts on your committee as members or as needed. Broadband is often difficult to understand in all its various forms. Not all broadband provides universal service, not all service is symmetrical, and not all broadband is consistently reliable.



SB 88
An act adopting omnibus legislation relative to broadband
Testimony on behalf of Consolidated Communications
February 1, 2021

Good Morning Chairman Gray and Committee Members. Thank you for the opportunity to talk with you today. My name is Ellen Scarponi and I represent Consolidated Communications.

There is a strong consensus in New Hampshire among residents, businesses, educators, medical providers, those who legislate and those who regulate, and the providers of service, that adequate broadband is necessary to sustain and expand opportunities to every corner of our state. Consolidated Communications is working with towns, counties and the state on multiple ways to expand broadband, including but not limited to: Municipal Public-Private Partnerships; CARES funding for broadband; Connect America Funding (CAF II); and Rural Digital Opportunity Funding (RDOF) – as well as our own investments in transformational fiber builds.

We support SB 88 - to refine details and procedures that will further the abilities for towns and communications districts to expand broadband. We also support proposed amendments to make it even more effective.

Since the passage of Senator Kahn's broadband bonding legislation in 2018, Consolidated Communications has worked with over 50 towns to: answer questions, respond to requests for information, respond to requests for proposals, attend town meetings, and negotiated public-private partnerships. We have completed fiber-to-the home broadband projects in five towns and have projects in progress in five others. There are 11 more that are awaiting town votes in March. These projects are bringing symmetrical gigabit speeds to even the rural residents in town.

I provide these details to demonstrate that we've had a significant amount of experience in these projects and have heard from the towns (those that we have won and those that we haven't) that the following changes to SB 88 would help move their process along more quickly, efficiently and equitably:

- Part III
 - RSA 33:3-g, III – Change the RFI response time from a “one month” increment to “30 days”. The variance in the number of days in a month has caused delays and missed notifications. A set number of days will make the requirement clear and consistent.
 - RSA 33:3-g, III – Require address-level detail on the RFI responses. Maps are not sufficient. In order to create an accurate picture of what broadband facilities are in the town, they need to have address-level qualification information from all providers. They need this information to develop an accurate Request for Proposal that reflects what addresses they can include for bonding.
- Part II
 - Once One Touch Make Ready is adopted in RSA 374:34-a, III, pole attachments should be completed more quickly. We recommend that section RSA 374:34-a, V, of the bill is unnecessary, could have unintended consequences, and should be removed completely. The proposed amended language that begins with “*In entering into pole attachment agreements, all parties shall ...*” could actually lead to providers being conflicted as there are times when the contracts (pole attachment agreements) are negotiated with shorter timeframes but having this mandate would require that the provider revert to the longer timeframes in the rules.

Thank you for your consideration. I am happy to answer any questions.

Ellen

Ellen G. Scarponi | Director Government Relations NH
C: 603.703.7315 ellenscarp1@gmail.com

Testimony of William Darcy

on behalf of the Town of Benton on SB 88

One Touch Make Ready for Broadband Internet Pole Attachments

SB 88 in Part II directs the Public Utility Commission to adopt the Federal Communications Commission (FCC) One-Touch Make Ready (OTMR) process for pole attachments. The FCC in its decision on the matter stated,

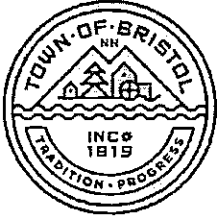
“OTMR speeds and reduces the cost of broadband deployment by allowing the party with the strongest incentive—the new attacher—to prepare the pole quickly by performing all of the work itself, rather than spreading the work across multiple parties.¹

100% of the residents of Benton have unacceptable, slow and unreliable Internet service, below the FCC and New Hampshire standard of 25/3 Mbps. The New Hampshire Electric Cooperative (NHEC) has stated its intent to provide high speed, fiber Internet service to all its underserved members in 117 municipalities, including the Town of Benton. Furthermore, NHEC has bid and won broadband Internet grants for 70 census blocks in New Hampshire, including in Benton. Both the speed and cost of NHEC reaching those 117 towns and 70 census blocks is dependent upon the enactment of SB 88 and its adoption of one-touch make ready for pole attachments.

The one-touch make ready process is much quicker and less costly than having multiple parties moving pole wires and installing fiber on poles in the telecommunications space. Moreover, where fiber is being installed on poles with a competitor's wires, or even owned by the competitor, the one-touch legislation reduces the means for that competitor to obstruct the provision of better Internet services that may cause it to lose customers and revenue.

In addition to being Chair of the Board of Selectmen in Benton, I am on the Board of Directors of NHEC and Vice Chair of its Broadband Committee, but I am not speaking on NHEC's behalf. NHEC electric service wires are attached to over 115,000 poles and most of them will be used to deliver fiber Internet service to over 117 New Hampshire towns. The immensity of the effort and cost to coordinate among multiple pole attachers on over 100,000 poles will greatly slow the effort to deliver much needed high-quality Internet services to New Hampshire residents. NHEC's residents, besieged by the COVID pandemic and unable to use substandard Internet services to access education, business, health and community resources, do not want anything to slow NHEC down in the provision of fiber Internet to our homes and businesses. The one-touch requirement of SB88 is an essential step to speed the provision of high-speed Internet services to many New Hampshire residents in desperate need of better Internet service.

¹ “Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment,” Third Report and Order and Declaratory Ruling, FCC 18-111, released August 18, 2018, at p. 3.



Town of Bristol
5 School Street
Bristol, NH 03222
—
townofbristolnh.org
(603) 744-3354

TO: Senate Election Laws and Municipal Affairs

CC: Senator Bradley, Senator Giuda, Senator Hennessey and Grafton County Broadband Committee Members

From: Nik Coates, Bristol Town Administrator and Grafton County Broadband Committee Chair

DATE: January 31, 2021

RE: Senate Bill 88 Amendment Request - Amend RSA 33:3-g to include Counties in Broadband Infrastructure Bonding and Remove Internet Speed and Availability Requirements

Honorable Committee Members, the Grafton County Broadband Committee (GCBC) respectfully requests amendments to NH RSA 33:3-g to include Counties as governmental entities afforded the opportunity to bond for broadband projects. We also request the broadband speed and availability requirements be removed.

The GCBC has spent the last six months developing a business plan, funding plan, backbone design among other plans for a broadband system in Grafton County. The GCBC recognizes the only way to complete a project to bring ubiquitous, high-speed broadband to the County, municipalities and communications districts is through public-private partnerships that leverage the bonding authority of counties. Further, we believe the most useful broadband systems are ones that are built with a free market approach in which public-private partnerships determine the needs and deliver the services needed.

Request 1:

RSA 33:3 affords counties the ability to bond in RSA 33:2 and 33:3. However, RSA 33:3-g Broadband Infrastructure Bonds extends bonding authority only to municipalities and communications districts. We request that an amendment to SB88 includes the word county and counties in RSA 33:3-g, I.

Request 2:

The limitation of bonding authority to unserved and underserved areas contemplated in RSA 33:3-g is not a free market approach. Removing this language would allow public entities to work with private partners to build the broadband systems to meet the needs of the entire public entity (municipality, county or communications district). We request that an amendment to SB88 remove the language that limits bonding authority to areas only defined as unserved. Mark up of RSA 33:3-g is included below with a clean version of what would look like should you accept both requests.

Marked Up Version:

33:3-g Broadband Infrastructure Bonds. –

I. A municipality, ~~county~~ or communications district formed under RSA 53-G may issue bonds for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in any locations within a municipality, ~~county or communications district~~. The minimum broadband speed that may be deployed is ~~defined in RSA 38:38, I(c)~~. ~~unserved by broadband as defined in RSA 38:38, I(c)~~ Without limiting the foregoing, broadband infrastructure may be the subject of public-private partnerships established in accordance with the provisions of RSA 33:3.

II. Bonds issued under this section shall be payable in annual payments so that the amount of annual payment of principal and interest in any year on account of any bond shall be not less than the amount of principal and interest payable in any subsequent year by more than 5 percent of the principal of the entire bond. The total amount of payments shall be sufficient to extinguish the entire bond at such bond's maturity. The first payment of principal on any bond shall be made no later than 5 years and the last payment not later than 30 years after the date issued. Each authorized issue of bonds shall be a separate and distinct loan.

III. A municipality ~~shall not may~~ issue bonds for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in any location within a municipality, county or communication district. ~~unserved by broadband as defined in RSA 38:38, I(c) unless a request for information has been issued, at a minimum, to all providers serving the issuing community and such providers have been given 2 months to respond to the request. The request for information may include, but is not limited to, information identifying locations within a municipality served by broadband as defined in RSA 38:38, I(c). After completing, issuing, and receiving responses to such request for information, a~~ A municipality, county or communications district may issue a request for proposals for the purpose of engaging in a public-private partnership pursuant to RSA 33:3 or RSA 33-B for the deployment of broadband infrastructure ~~as defined in RSA 38:38, I(c) and the provision of broadband service as defined in RSA 38:38, I(f)~~. A municipality, county or communications district may select a proposal based on criteria including, but not limited to, provider ability to deploy, manage, and maintain a broadband network. ~~A municipality, county or communication district may determine that no provider has met the criteria included in the request for proposals~~

~~and may issue bonds for purposes pursuant to RSA 52-B and RSA 33-D, including but not limited to open networks. If a broadband provider does not respond to a request for information pursuant to this paragraph, the locations served by that broadband provider shall be considered unserved, unless those locations are served by a broadband provider who responded to that municipality's request for information.~~
~~IV. Any request for information issued pursuant to this section after December 31, 2020 shall conform with a model request for information issued by the New Hampshire department of business and economic affairs.~~

Cleaned Up Version:

33:3-g Broadband Infrastructure Bonds. –

I. A municipality, county or communications district formed under RSA 53-G may issue bonds for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in any locations within a municipality, county or communications district. The minimum broadband speed that may be deployed is defined in RSA 38:38, I(c). Without limiting the foregoing, broadband infrastructure may be the subject of public-private partnerships established in accordance with the provisions of RSA 33:3.

II. Bonds issued under this section shall be payable in annual payments so that the amount of annual payment of principal and interest in any year on account of any bond shall be not less than the amount of principal and interest payable in any subsequent year by more than 5 percent of the principal of the entire bond. The total amount of payments shall be sufficient to extinguish the entire bond at such bond's maturity. The first payment of principal on any bond shall be made no later than 5 years and the last payment not later than 30 years after the date issued. Each authorized issue of bonds shall be a separate and distinct loan.

III. A municipality, county or communications district may issue bonds for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in any location within a municipality, county or communications district. A municipality, county or communications district may issue a request for proposals for the purpose of engaging in a public-private partnership pursuant to RSA 33:3 or RSA 33-B for the deployment of broadband infrastructure. A municipality, county or communications district may select a proposal based on criteria including, but not limited to, provider ability to deploy, manage, and maintain a broadband network.

For More Information:

I appreciate your consideration of these requests. I plan to attend your session on Monday morning, but may need to leave early due to attendance for another hearing. Please feel free to contact Littleton Town Manager Andrew Dorsett at 444-3996 or adorsett@townoflittleton.org or me at 744-3354 ext. 114 or at townadmin@townofbristolnh.org.

Voting Sheets

Sent to OHS
1:36 p.m.
3/8/21

**Senate Election Law
& Municipal Affairs Committee**
EXECUTIVE SESSION RECORD
2021 Session

Bill # **SB 88**

Hearing date: 2-1-2021

Executive Session date: 3/8/21

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OSI

Motion of: 0504s with Mod Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consent Birdsell & Ward 5-0

Reported out by: Sen. Ward

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Monday, March 8, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 88**

AN ACT adopting omnibus legislation relative to broadband.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0742s

Senator Ruth Ward
For the Committee

This Omnibus bill as amended will adopt legislation, in three separate parts, relative to the deployment of Broadband in New Hampshire. Part I will allow the creation of Communication District Planning Committees between two or more municipalities. Part II provides for the implementation of provisions for One Touch Make Ready, as adopted by the Federal Communications Commission. Finally, 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.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of SB88

Docket Abbreviations

Bill Title: adopting omnibus legislation relative to broadband.*Official Docket of SB88.:*

Date	Body	Description
1/27/2021	S	Introduced 01/06/2021 and Referred to Election Law and Municipal Affairs; SJ 3
2/9/2021	S	Remote Hearing: 02/01/2021, 10:00 am; Links to join the hearing can be found in the Senate Calendar; SC 9
3/10/2021	S	Committee Report: Ought to Pass with Amendment #2021-0742s , 03/18/2021; Vote 5-0; CC; SC 15
3/18/2021	S	Committee Amendment #2021-0742s , RC 23Y-1N, AA; 03/18/2021; SJ 8
3/18/2021	S	Ought to Pass with Amendment 2021-0742s, RC 23Y-1N, MA; OT3rdg; 03/18/2021; SJ 8
3/31/2021	H	Introduced (in recess of) 02/25/2021 and referred to Municipal and County Government HJ 4 P. 50
5/10/2021	H	Public Hearing: 05/10/2021 10:45 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/93597701647 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/25/2021	H	Committee Report: Ought to Pass (Vote 19-0; CC) HC 26 P. 10
6/3/2021	H	Ought to Pass: MA VV 06/03/2021 HJ 8 P. 82
7/12/2021	H	Enrolled Bill Amendment #2021-2054e : AA VV (in recess of) 06/24/2021
7/13/2021	S	Enrolled Bill Amendment #2021-2054e Adopted, VV, (In recess of 06/24/2021); SJ 20
7/23/2021	H	Enrolled (in recess of) 06/24/2021
7/21/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
8/16/2021	S	Signed by the Governor on 08/10/2021; Chapter 0198
8/16/2021	S	Part I Effective 10/09/2021
8/16/2021	S	Part II Effective 10/09/2021
8/16/2021	S	Part III Effective 10/09/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 88

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 05045 - amendment # 01775

- amendment # 07425 - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

_____ - amendment # _____ _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s) 2054

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate _____ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office 

July 7, 2021
2021-2054-EBA
10/04

Enrolled Bill Amendment to SB 88

The Committee on Enrolled Bills to which was referred SB 88

AN ACT adopting omnibus legislation relative to broadband.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 88

This enrolled bill amendment incorporates changes made to RSA provisions by 2021, 91 (HB 2-FN-A-L)

Enrolled Bill Amendment to SB 88

Amend RSA 374:34-a, III as inserted by Part II, section 1 of the bill by replacing line 1 with the following:

III. The department of energy shall adopt rules under RSA 541-A to carry out the provisions of this

Amend RSA 374:34-a, IV as inserted by Part II, section 1 of the bill by replacing line 1 with the following:

IV. In exercising its authority under this subdivision, the department of energy shall consider the

Amend RSA 374:34-a, V as inserted by Part II, section 1 of the bill by replacing lines 2 and 3 with the following:

agreements voluntarily, without department approval. *In entering into pole attachment agreements, all parties shall abide by the timelines established by the department in rules*

ENROLLED BILL AMENDMENT TO SB 88

- Page 2 -

Amend RSA 33:3-g, IV as inserted by Part III, section 1 of the bill by replacing line 3 with the following:

~~business and economic affairs.]~~ *The office of planning and development shall maintain a list by town*

Amend RSA 33:3-g, IV as inserted by Part III, section 1 of the bill by replacing line 8 with the following:

reference the interested provider list maintained by the office of planning and development and