

Having listened carefully to the Committee's April 21 discussions on H.360, I wish to offer the following comments:

First, the overlap in time between grant disbursements by the Dept of Public Service and full operation by the Community Broadband Authority is intended to allow CUD's (and any other eligible entities) to make maximum use of this year's construction season.

Second, the question whether pole owners could be directed to choose between applicants for attachment. Having studied PUC Rule 3.7xx extensively, I believe it is quite clear that pole owners are not allowed to discriminate: if insufficient space is available on a pole, replacing it with a taller one simply becomes part of the make ready work that must be completed for the new applicant before an attachment license is issued.

Third, the expression "universal broadband" appears twenty times in the text of H. 360, and the expression "part of a plan to achieve universal broadband coverage" appears six times, the latter in the context of eligibility requirements for various programs. I believe it would be consistent with both the findings and the details of H.360 to add language making it clear that "universal broadband" refers to all on-grid premises. With such a clarification, ECFiber would strongly support making that goal not merely a priority but a firm requirement for all funding programs established or modified by this bill.

Fourth, at the start of §8086 (Page 16, lines 8-15), I urge the Committee to make criteria (1) and (2) requirements rather than "priorities", and then to insert language such as "and giving priority successively to the following attributes:" .

Fifth, I believe that the simplification to Section 16 as proposed by Senators Pearson and Hardy, namely to use the expression "an entity not subject to the property tax", could have unintended consequences. A CUD is indeed a municipality, so within its own boundaries its property is indeed exempt from taxation by any of its member towns or cities. However, that exemption does not automatically apply to any property owned by a CUD but lying outside its own boundaries. This situation could arise, for example, when a CUD extends service across its boundaries to parts of adjoining towns not easily reachable from their population centers, as allowed by 30VSA §3054 (8).

Thank you very much,

Irv Thomae
Government Relations Officer, East Central Vermont Telecommunications District (ECFiber)