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TESTIMONY OF FIBERTECH NETWORKS, LLC
IN SUPPORT OF RAISED BILL NO. 6509: "AN ACT
CONCERNING LICENSING REQUIREMENTS OF CERTAIN
TELECOMMUNICATIONS PROVIDERS"

- Good afternoon, Chairpersons Fonfara and Nardello, distinguished members of the Committee on Energy and Technology, and guests. I am Charles Stockdale, Vice President and General Counsel of Fibertech Networks, LLC, and its affiliated companies. Fibertech is authorized by the Connecticut Department of Public Utility Control to provide telecommunications services within the State. I am here today on behalf of Fibertech to speak in favor of Raised Bill No. 6509, "An Act Concerning Licensing Requirements of Certain Telecommunications Providers". This legislation recognizes the Legislature's successful efforts to open to competition the telecommunications marketplace in Connecticut. It amends Section 20-340 of the General Statutes to reflect the fact that competitive telecommunications providers are now operating in the State, and it conforms Section 20-340 to provisions of State and federal law that encourage and protect competitive providers. The bill thereby will help ensure the continued growth of consumer choice among telecommunications service providers.

- I would like to tell you briefly about our company. Fibertech, which is based in Rochester, New York, is a leading competitive telecommunications company in the state of Connecticut. We have deployed close to 1,400 route miles of broadband network in Connecticut, covering a large portion of the state. Fibertech's network consists entirely of fiber-optic cable. We compete for business and wholesale customers with the incumbent telephone companies, AT&T and Verizon, as well as with other telecommunications providers.

- Fibertech has been certified as a telecommunications provider by the Department of Public Utility Control and is an active participant in Department proceedings involving telecommunications regulation. Our company has been awarded several large contracts over the past five years from the Connecticut Department of Information and Technology and other state agencies to install and operate high-bandwidth telecommunications facilities serving governmental entities and educational institutions.

- Fibertech installs its fiber-optic network within the communications space on utility poles throughout the state. These utility poles are owned or maintained by Connecticut Light & Power, United Illuminating, AT&T, and certain municipal utility companies. The pole owners issue licenses to Fibertech, in the normal course of business, permitting attachment to these poles, and the DPUC approves these installations within the public right-of-way as required by the Connecticut General Statutes.

- The problem addressed by this legislative proposal is quite simple. Chapter 393 of the Connecticut General Statutes establishes licensing requirements for certain work relating to utility poles in the State. Section 20-340 of the Connecticut General Statutes exempts from these licensing requirements the incumbent telephone companies, AT&T and Verizon, as well as Connecticut Light & Power, United Illuminating, all of the state's cable television companies, and all 169 municipalities. Fibertech and other certified, competitive telecommunications providers, however, have not been exempted.

- Fibertech would respectfully suggest that this legislation, which proposes to extend the exemption from licensing requirements to all telecommunications providers, is in the public interest for several important reasons:

o First, the legislative history of this statutory provision shows that it was enacted decades ago when there were no competitive telecommunications companies in the state of Connecticut, and it therefore was competitively neutral at that time. While the Connecticut State Legislature has actively encouraged telecommunications competition since 1994 and worked with the Department of Public Utility Control on numerous issues towards that goal, the exemption language of Section 20-340 nevertheless has remained unchanged. This legislation would restore the statute's competitive neutrality, thereby accommodating the more recent legislative and regulatory developments.

o The second reason we have for supporting this proposal is that the change requested achieves consistency with state and federal law. As mentioned above, this Legislature has enacted laws permitting and encouraging the entry of competitive providers into the Connecticut telecommunications marketplace. In addition, the 1996 Federal Telecommunications Act generally prohibits state policies that discriminate among providers of telecommunications services. The existing licensing exemption that is applicable to AT&T and Verizon only, among telecommunications companies, creates such a disparity. In this regard, I might mention that the Department of Public Utility Control has taken strong action in ordering equal access to utility poles for all certified telecommunications providers. The Department issued a decision in Docket No. 07-12-13 last year which ordered the pole owners to improve and expedite the licensing process which they use to provide access to utility poles and to limit the costs they impose on competitive providers. This legislative change would further the goal, shared by this body and the Department, of permitting fair competition.

○ Finally, the continued expansion of Fibertech's broadband network and the installation of new broadband facilities by other competitors could be jeopardized by existing law. The absence of an exemption for all telecommunications providers may potentially have a chilling effect on competitors and their investors.

• In conclusion, I respectfully request that the Energy and Technology Committee approve Raised Bill No. 6509 to authorize an exemption from the licensing requirements for certified telecommunications providers, as the State has done for the incumbent providers, cable television companies, municipalities, and other utilities for many years.

• Thank you for your consideration of these remarks.