



**Communications
Workers of America**

**The Connecticut Union
of
Telephone Workers, Inc.**



Local 1298
AFL-CIO

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Energy and Technology Committee

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David Weidlich Jr , President CWA Local 1298

Dear Senator Needleman, Representative Arconti, Vice Chairs, Ranking Members and Members of the Energy and Technology Committee:

I am here today to support, in part, and to oppose, in part, H.B. 6442, An Act Concerning Equitable Access to Broadband as well as the one touch make ready provision in SB 4. If modified, CWA could wholeheartedly support H.B 6442, which establishes a visionary blueprint for achieving reliable and ubiquitous broadband service throughout the state. Let me first share a few comments and then I will discuss some of the strong elements of the bill.

CWA certainly supports efforts to increase access to high speed internet, however there are provisions in this bill that will have a significant impact on the work our members have performed for decades. There have been many discussions about expanding broadband service to all Connecticut residents especially in rural areas. Over the last few years there has been an overwhelming number of providers applying for access to the telecommunications gain to place their network on the poles so they can offer highspeed internet service. There are hundreds of temporary attachments that have the potential to create unsafe working conditions because they have not been properly engineered.

Many providers are cherry picking and overbuilding existing internet providers, thus expanding broadband providers but not building out to rural areas. Many are exclusive to aerial plant neighborhoods that already have access to highspeed internet.

Oversight of broadband resiliency and reliability. The COVID-19 pandemic has illustrated how vital broadband service has become to the safety and welfare of all. Extreme weather patterns are the norm, making reliability of this essential service more important than ever. CWA fully supports measures in

the bill that incorporate reliability as part of the state's oversight of broadband networks and services. The bill, for example, requires:

PURA to initiate a proceeding to investigate the resiliency of telecommunications and broadband networks.

Broadband service to be restored within 24 hours after an electrical outage.

Providers to credit customers for outages (unless they cause the outage).

Providers to file a report with PURA and the Office of State Broadband with 15 days of any outage of more than 24 hours (not caused by the customer).

CWA welcomes these measures.

Safety. As CWA understands the proposed language in Section 9, consumers (including among others, municipalities) can submit complaints about broadband service providers' equipment to PURA – both as it relates to public safety and employees' safety. This is welcome as is the safety-oriented language in Section 10.

Enhanced mapping capabilities and data collection from broadband providers. Having information and data about the state's broadband capabilities – I'll call this Connecticut's "broadband report card" – will help all stakeholders – providers, consumers, and policy makers – collaborate to focus resources on those parts of the state that are most lacking in broadband capabilities. CWA fully supports the bill's reference to "equitable access"—and to achieve that goal, mapping information is key so that resources are focused where they are most needed, in the most broadband-scarce parts of the state. The bill's requirement that providers submit annual reports as to the availability of their service, the speeds, and service outages, combined with the enhanced mapping mandate will provide an important foundation to guide the state toward equitable broadband access.

CWA recommends, however, that the providers' submission of data that the Office of Policy and Management requests not be voluntary but instead required. Of course it makes sense for the Office to consult with providers about the content and form of the data to be submitted, but at the end of the day, it should not be left to providers' discretion as to whether they will actually submit the requested data. The bill should be modified to make the data submission mandatory.

This suggested modification leads me into a discussion of my other specific suggestions on how you can improve the bill. I will focus my recommendations on how you can remedy the four most egregious deficiencies in the bill:

1. The build-out requirement for video franchise holders could disproportionately harm Frontier – and therefore Frontier's consumers and employees. Unlike cable companies, which hold local franchises, Frontier has a statewide video franchise. Such a major requirement should not be imposed without a better understanding of the costs to Frontier and the implications for its customers. Rather than impose this potentially financially burdensome requirement, CWA recommends that you either:

Remove the language from the bill; or, in the alternative

Modify the language to direct an independent examination of the costs and benefits of imposing such a requirement on all video franchise holders. You could direct the study to be completed within a year and to be provided with appropriate recommendations to the Legislature as to how best to proceed. The merits of this approach is that it would allow the Legislature to make a fully informed decision – with knowledge of the financial implications and potential benefits of such a requirement.

In sum, CWA recommends that you eliminate the build-out requirement and, in the alternative, substitute the requirement with a mandate to analyze the implications of such a requirement.

2. CWA fully supports the mandate for mapping, but unless funds are made available for broadband deployment, the maps will be tools without a purpose. Knowing which parts of the state lack broadband is, of course, an important first step. The next step is also vitally important to achieving the broadband vision that the bill seems to contemplate – that is, making sure that all residents and businesses in Connecticut, regardless of where they are located, have an opportunity to subscribe to high-speed internet access. This requires building the broadband infrastructure.

Locating gaps on a map is important; filling those gaps is the ultimate goal.

Therefore I recommend that language be added to establish a Connecticut program for grants and loans to subsidize broadband build-out in unserved and underserved communities in our state. The Legislature could consider expanding the purpose of the state’s universal service fund for that purpose and expanding the provision in the proposed bill that would assess broadband providers to help support state offices to also support broadband deployment.

Putting such a program in place, and beginning to fund the program, will position Connecticut well, preparing it for the possibility that federal infrastructure monies also become available to build broadband “bridges, highways, and backroads.”

3. The bill seems to tiptoe around the concept of state oversight of broadband services and broadband providers. CWA recommends that the bill’s language unambiguously acknowledge the state’s authority to exercise oversight of broadband services and broadband providers – broadband is an essential utility.
4. The bill’s one-touch make-ready (OTMR) requirements are deeply flawed.

One Touch, Make Ready threatens worker and public safety and destroys good jobs.

Gov. Lamont's broadband proposal includes the directive: "Require PURA to develop a one-touch make ready process to be implemented by utility pole owners." SB 4 has a one touch make ready provision in it as well. CWA cannot support any legislation that includes one touch make ready.

One Touch, Make Ready (OTMR) mandates that companies (and their approved contractors) that want to put new equipment on utility poles can move existing equipment to create the necessary space. This is called "make-ready" work. Moving Frontier equipment has been performed by CWA-represented Frontier employees for decades, ensuring the safety and quality of the make-ready work. In Aug. 2018, the Federal Communications Commission (FCC) adopted OTMR as nationwide policy but gave states the right to determine their own approach; Connecticut reserved the right to regulate make-ready work.

One Touch, Make Ready threatens worker and public safety. Make-ready pole attachment work is complex and, if done incorrectly, can lead to dangerous conditions for workers and the public. Unskilled work could leave heavy terminals and wires hanging without the proper support. Ungrounded wires could pose electrocution risks. Incorrect placement or overloading equipment on damaged or decaying poles could lead to poles falling in the public right-of-way. Skilled, professionally trained workers who know the equipment, the condition of the poles, and safe practices can best protect public and worker safety.

One Touch, Make Ready destroys good jobs. Career company employees are in the best position to do make-ready work safely and properly; they know the equipment, the condition of the poles, the rules regulating attachment placement, and have been professionally trained. Moreover, career workers are on the frontlines of the telecommunications industry – responding to consumer needs, building and maintaining networks, ensuring safety and quality service. Mandating contractors to do make-ready work undermines good, career jobs in communities across the US.

In conclusion, CWA supports the vision that An Act Concerning Equitable Access to Broadband establishes and welcomes many of the important measures and policies that the Act encompasses, but believes that the bill's proposed path forward includes some serious mis-steps. CWA urges you to adopt our proposed remedies to the bill's flaws. We are prepared to work with you to improve the bill so that it can lead to ubiquitous reliable broadband service for all who live and work in Connecticut.

Respectfully submitted,

David Weidlich Jr

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