



TESTIMONY BY MAYOR MARCIA LECLERC, TOWN OF EAST HARTFORD

February 21, 2017

Proposed Opposition Statement Re: House Bill 7011 “An Act Concerning Municipal Gains on Public Utility Poles”

My name is Marcia Leclerc and I am the Mayor of East Hartford. I am before you today to encourage you to **oppose** HB 7011 An Act Concerning Municipal Gains on Public Utility Poles.

The act specifically states that the law would limit use of municipal gains, eliminating the Town’s use of the municipal gain for “any” purpose and further restricts the right of the municipalities to “not be assigned, leased, sold, transferred, conveyed, or otherwise applied in any manner to any other person other than such town, city....”.

We are opposed to this for the following reasons:

- 1) The use of some municipal gain space as municipalities look to partner with private parties (public-private partnerships) to provide high quality, lower cost data services between its sites is a key factor and cannot be done through some right of ways (for instance – where telephone poles are currently located and not controlled by municipalities). More importantly, in partnering with private organizations the municipalities would be advancing the state of CT’s goals set forth in 16-247a to provide “efficient provision of modern telecommunications services by multiple providers” for residents, businesses (economic development), public and not-for-profit institutions. A key point in ensuring residents of distressed municipalities do not suffer from a digital divide is the partnership between Towns and Private vendors to encourage modernization of telecommunications infrastructure through the uses of fiber optic technologies.
- 2) Municipalities have limited right-of-way space and the gain space on poles should be able to be used without threat of legal action. While some municipalities (East Hartford being one) are reviewing possibilities of partnerships with private companies looking to use underground right of ways to enhance access and quality of telecommunications services, the necessity to utilize municipal gain spaces in some areas where right of way spaces need to be used for other purposes is very real.
- 3) Municipalities lack input and control of poles in right of way spaces already that provide street lights, alarm wires and in some cases telecommunications infrastructures. While towns have a municipal gain currently for ‘any use’, this bill would further reduce municipal rights to use gains to provide enhanced services to the Public.
- 4) Municipalities should not have any restrictions on assigning, leasing, selling, transferring, or conveying resources in its gain for the betterment of public utilities.

It is unclear to us how this bill got raised when in 2013 the gain law was adjusted to include “any” use. While the Town of East Hartford is not attempting to become a telecommunications carrier the Town does desire our residents, businesses, schools, non-profits, and public institutions to have access to high-quality, high speed services. This bill as written would begin to shackle the towns from even building and handing maintenance of a Private Fiber Network (PFN) and most certainly prevent the introduction of new carriers to the telecommunications infrastructure through the state.

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