



June 11, 2021

Hon. Zack Stephenson, Chairman
Commerce Finance and Policy Committee
Minnesota House of Representatives
509 State Office Building
St. Paul, MN 55155

Re: Broadband Easements

Dear Chair Stephenson & members of the committee,

The Minnesota Cable Communications Association (MCCA) is disappointed that the language giving special privileges to electric coops with respect to private electric easements is included in the negotiated Commerce/Energy omnibus bill. The bill provides a competitive advantage to cooperative electric companies who, if this language is signed into law, would not have to negotiate existing private easements with individual landowners like every other broadband provider operating in Minnesota must do.

Minnesota Cable shares the goal of legislators in increasing broadband access across the state. Our members have been actively pursuing any and all ways at getting at difficult and expensive areas to serve, and we have been making significant progress. For example, MCCA cable providers have completed over \$22 million in projects across the state using state Border to Border Broadband grant funds, serving 8,452 households that were previously unserved or underserved. Multiple MCCA members have or will receive federal broadband funds to build to thousands more unserved homes in Minnesota over the next few years. These sources, along with private capital, will help us complete our mission of ubiquitous access to broadband across the state. It will take all types of providers to accomplish this.

MCCA asks that the bill be amended to make the bill competitively neutral. This would be a straightforward amendment, making the language apply to all broadband providers. With this change, any broadband provider who holds an existing private easement for another purpose, would be able to use this easement to provide broadband. Additionally, this would avoid preemption issues under federal law (47 U.S.C. §253(b) and (d)), which requires state provisions related to advancing universal broadband service to be competitively neutral

As we have expressed from the beginning of session, it was our hope that stakeholder meetings would be convened to address the bill's constitutional flaws, to make the bill competitively neutral to all broadband providers, and to address related barriers to broadband deployment. We recognize that the pandemic made this a difficult session in this regard. We are happy to provide the specific language that would address our level playing field concerns to the Committee.

Expanding access to rural broadband is an issue many broadband providers are working hard on. Rather than moving forward with a bill that plainly favors a single stakeholder at the expense of competing broadband providers, MCCA hopes legislators will reconsider and modify the bill.

Sincerely,

A handwritten signature in black ink that reads "Anna Boroff". The signature is written in a cursive style with a long, sweeping underline.

Anna Boroff
Executive Director