

March 5, 2024

Honorable C.T. Wilson
Chair
House Economic Matters Committee
Room 231
Taylor House Office Building
Annapolis, Maryland 21401

RE: HB 1242 Public Utilities - Lead Telecommunications Cables - Regulations and Report

Dear Chair Wilson:

I am writing on behalf of USTelecom – The Broadband Association (“USTelecom”)¹ and its members, America’s innovative broadband providers, to provide input for your consideration as part of the Economic Matters Committee’s legislative hearing on HB 1242.

For more than 100 years, the U.S. telecommunications industry has connected people, businesses, communities, and first responders while supporting our nation’s economy and critical infrastructure needs. USTelecom and its members are dedicated to delivering resilient and reliable broadband internet service to hundreds of thousands of people in Maryland, with universal connectivity as a top priority, and we welcome the opportunity to work with you and your staff to advance this goal.

The broadband industry has invested more than \$2.1 trillion² in network infrastructure nationwide since 1996—with \$102.4 billion invested in 2022 alone—and USTelecom members are among the country’s top investors. In addition to these investments, the \$267.7 million in funding provided to Maryland by the Broadband Equity, Access, and Deployment (BEAD) Program established in the federal Infrastructure Investment and Jobs Act (IIJA) will play a

¹ USTelecom is the premier trade association representing service providers and suppliers for the communications industry. USTelecom members provide a full array of services, including broadband, voice, data, and video over wireline and wireless networks. Its diverse membership ranges from international publicly traded corporations to local and regional companies and cooperatives, serving consumers and businesses in every corner of the country.

² USTelecom, Broadband Capex Report, Sept. 8, 2023; available at: <https://ustelecom.org/research/2022-broadband-capex/>.

crucial role in ensuring our members can close the digital divide for all Marylanders. This is a historic opportunity for government to partner with the private sector to invest in ensuring everyone in Maryland has access to the fast and reliable broadband that is so critical for work, education, health care, and more.

HB 1242 proposes to change the conditions established in federal law for participation in the BEAD program by adding a new reporting requirement for applicants related to lead-sheathed telecommunications cables. This proposed requirement is inconsistent with the purpose and intent of the BEAD program.

The purpose of the BEAD program is to inject funding into the system to speed the construction of much-needed infrastructure to quickly deliver broadband to Maryland's hardest to reach areas. Adding reporting requirements as a condition of eligibility that are contrary to the IJJA's intent to close the digital divide, and moreover, that were not included in the IJJA, undermines and contradicts the program's goals and would decrease participation and slow deployment of networks to previously unserved and underserved locations. As a result, fewer Marylanders will have access to high-speed broadband.

The U.S. telecommunications industry takes the health and safety of our workers, neighbors, and the communities in which we live and operate very seriously, and we remain committed to prioritizing worker and community safety. Lead-sheathed telecom cables make up only a small portion of the U.S. telecommunications infrastructure network. These cables are generally in locations that minimize the potential for public contact, whether underground, underwater, or suspended on telephone poles. Indeed, the presence of lead does not equate to exposure.

We have not seen, nor have regulators identified, evidence that lead-sheathed telecom cables are a leading cause of lead exposure or the cause of a public health issue. Recent federal, state, and industry testing has reinforced this point.³ USTelecom and our members have been working diligently to pursue the facts regarding lead-sheathed cables and will continue to follow the science. Importantly, the U.S. Environmental Protection Agency (US EPA) is already providing leadership on lead-sheathed telecommunications cables and using its authorities under environmental statutes.

Our industry has been and remains committed to engaging constructively with regulators and policymakers on lead-sheathed communications cables. We are also committed to deploying

³ See e.g., U.S. Env'tl. Prot. Agency, West Orange Lead Sampling, https://response.epa.gov/site/site_profile.aspx?site_id=16176 (last visited Feb. 26, 2024) (EPA concluded its "scientific review of the data and current conditions in the area indicate that there are no immediate threats to the health of people nearby."); U.S. Env'tl. Prot. Agency, California and Coal Center Lead, https://response.epa.gov/site/site_profile.aspx?site_id=16127 (last visited Feb. 26, 2024); U.S. Env'tl. Prot. Agency, Louisiana Lead Cable, https://response.epa.gov/site/site_profile.aspx?site_id=16204 (last visited Feb. 26, 2024).

broadband so that all Marylanders can have access to high quality future-proofed service. The BEAD Program will be a key part of making this goal a reality. Adding new, unrelated eligibility requirements does not advance the imperative to maximize participation by service providers and connect everyone in Maryland to high-speed broadband in the most effective way possible.

For these reasons, USTelecom requests an unfavorable report of HB 1242.

Sincerely,

/s/ B. Lynn Follansbee

B. Lynn Follansbee
Vice President
USTelecom – The Broadband Association