



broadband association of north dakota

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HOUSE BILL 1059

SENATE POLITICAL SUBDIVISIONS COMMITTEE

FEBRUARY 18, 2021

DAVID CROTHERS

BROADBAND ASSOCIATION OF NORTH DAKOTA

My name is David Crothers from the Broadband Association of North Dakota (BAND). The Association represents all of the cooperative and independent broadband companies in the State. Those companies serve over 96 percent of North Dakota's geographic territory.

The Association opposes the inclusion of an amendment adopted by the House of Representatives that is found in its entirety on Page 1, Line 15 of House Bill 1059. That language mandates an excavator to make a notification, which is already required by an "operator" of an underground facility under Federal law, and states "notify the state unified spill reporting system within 24 hours". That provision duplicates already existing requirements, causes unneeded expense for excavators and serves no good public policy purpose.

Members of the Broadband Association of North Dakota have built over 40,000 miles of underground infrastructure throughout the State, which makes them "operators" under the law. However, those very same companies also perform thousands of digs each year deploying and repairing their networks, which makes them "excavators". Those locally-owned companies believe the language requiring an additional and time consuming burden does not benefit anyone when the operator of a facility covered under the law is already forced to "notify the state unified spill reporting system within 24 hours".

Members of the Association urge this committee to adopt an amendment striking the language found on Page 1, Line 15 of Senate Bill 1059.