

Chairman Burckhard, Vice Chairman Anderson, Senator Heitkamp, Senator Kannianen, Senator Larson, Senator Lee and Senator Oban,

My name is David Crothers with the Broadband Association of North Dakota (BAND). The Association's members serve 97 percent of the State's geographic territory.

Regrettably, I am unable to be at the hearing tomorrow morning on Senate Bill 2285. The legislation adds language to the Century Code that will make easement owners liable for bringing an abstract up to date regardless, I am told, how many times that document is updated.

The Association strongly opposes the adoption of the bill.

I polled the 15 small, locally-owned broadband providers serving North Dakota and asked how many easements they held within their service territories. The eleven who have responded to date indicate they have approximately 70,000 easements. I estimate the remaining four have an additional 20,000 easements. The impact of SB 2285 has the potential to cause significant financial harm to small broadband providers and locally-owned telephone companies. That harm will lead to either higher costs for consumers or negatively impact the ability to build out fiber optic infrastructure to bring broadband to unserved or underserved areas of North Dakota.

The Association also opposes the legislation because it is an expense that we will be forced to pay that our competitors do not in the highly competitive broadband marketplace. Our greatest competitors are often wireless companies who do not have the same number of easements and use a different technology to deliver a similar product. They include satellite broadband companies like Dish and HughesNet, fixed wireless internet provided by a number of companies including Midco and the traditional wireless providers, which include Verizon, AT&T and T-Mobile. Adopting legislation that increase costs for BAND members and not our competitors put locally-owned companies at a competitive disadvantage.

Again, I apologize for not being able to appear before the committee. I will check with Chairman Burckhard and ask if he would like written testimony from BAND submitted opposing SB 2285. However, please reach out to me directly if you have any questions or I may provide additional information.

Best wishes,

David Crothers
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