

**Joint Hearing of the New York State Legislative Commission on Rural Resources and
The New York State Assembly Standing Committee on Local Governments**

September 17, 2019

**Oral Testimony of Annabel V. Felton
Chair, Duanesburg Broadband Committee**

I am here today because of a simple question my **then** 14-year-old daughter asked me 5 years ago.

Good afternoon – my name is Annabel Felton. I am Chair of the Duanesburg Broadband Committee. I live with my family in western Schenectady County. We have a short commute to Albany where my husband and I both work. When we built our house in the rural suburbs and moved there in 1996, we were aware that cable lines didn't come down our street. We invested in a satellite TV dish and went on with our lives. Little did we know that cable and a high-speed internet connection would **never** come down our street.

The question my daughter asked me was: Mom – why can't we get the internet at home like normal people?

By 2014, we all needed an internet connection to do homework, to apply for jobs, to work from home, to communicate with friends and family and for entertainment. I also knew someday I might want to sell my house to another family who would also need internet access -- to be normal people. So, I told my family I will get wired broadband to our home – how hard can it be?

I've learned it is very hard. I have also learned:

- The only real broadband connection is a wired fiber connection. All others have real problems and only a fiber backbone will allow the adoption of new 5G technology in the future;
- I have learned Charter Spectrum does not have to provide internet to my home under Federal Law, under State Law, or under the CABLE Franchise Agreement they have with my Town;
- I learned that if I want a cable line on my road (2 and a half miles, 24 homes) we need to pay a Contribution in Aid of Construction of about \$50,000;
- I have learned there is no financing mechanism available, No provision for a mutual benefit district – like a lighting, sewer, or water district;
- I have learned The New York State Broadband Program Office (BPO) and the FCC believe Charter/Spectrum serves me because their maps are wrong. Therefore, no grant money is available to me;
- I have learned that my town is very supportive and sympathetic, almost 600 of my neighbors were also lacking broadband. The Town has offered to use franchise fees to help pay for line extension. While helpful, this is a drop in the bucket.
- To continue work on this issue, the town formed the Duanesburg Broadband Committee and asked me to Chair it. And so I am here today because if I want broadband I must work to get it for my whole town.

The Duanesburg Broadband Committee was formed for the purpose of advocating for high speed broadband internet service to 100% of our residents, farms and small businesses.

In order to serve all locations in Duanesburg, the committee needed to know precisely where service was available and where service was needed. Time Warner, now Charter has a franchise agreement in our town and has steadfastly refused to provide service availability maps.

The maps posted by the FCC and the NY Broadband Program Office are based on FCC Form 477 data provided by the same incumbent providers who would not give us service maps. The data are notoriously inaccurate creating availability maps that are just plain wrong.

Unfortunately, the public believes the information is correct because it is provided by their government. People have purchased homes because the maps told them service was available when it was not. A bad map is worse than no map – Fix the maps or take them down immediately.

My Committee used boots on the ground information and surveys of all town residents to determine who was and who was not served. We then created our own Google map precisely showing the location of unserved homes. Duanesburg has about 2000 residences. In May 2018, 1/3 of the homes in my community were not served. Of those – more than half (313) had no BPO grant award because they were incorrectly reported as served by Charter.

It is beyond time to fix the New York State Broadband Availability Map by removing any information based on FCC Form 477 submissions.

Now that my town has accurate service maps, we are pursuing broadband line extension on a road-by-road basis using franchise fees and \$100,000 in County funds granted to the town for the purpose. Duanesburg is providing trenching on specific roads to bring down the cost of pulling fiber. This funding helps but it's not enough to do the whole job. We continue to seek additional funding. **That's where you come in. Please keep the grant funding coming.**

We are also tracking BPO Phase III buildout in our town by communicating with Verizon and Pattersonville Telephone Company – the two BPO Phase III grant awardees in our town. Significant progress has been made; however, Phase III still leaves approximately 256 residences unserved.

Charter, even after its settlement with the Public Service Commission, continues to hide its buildout plans and the PSC allows this information to be redacted. If Charter's required expansion will not serve all the 256 homes remaining unserved in my town, we need to know that now, not after September 2021. We need to appropriately use current available funding and will seek additional grant funding for those who will be left out of Charter's expansion. We also need to be able to tell unserved homeowners when they will be served so they can make good decisions about selling their homes or entering contracts with satellite and cellular service providers.

Charter's claim that their expansion information is a "trade secret" is disingenuous at best and fraudulent at worst. Other providers have told me they can get that information directly from the

BPO. The only possible reason for Charter's non-disclosure is to allow them to cheat. They want to count homes previously served as newly served under the 145,000 required in the Settlement. This is not a victimless ploy. For every location left unserved, Charter may ultimately receive 80% to 90% grant funding from future BPO awards.

For the public, Charter's buildout plan can only be ascertained by tedious searching on the "Spectrum Address Look Up. The "plan" is an ever changing hodge podge of addresses, sometimes dropped in the center of an unserved road – mine is one - with no coherent strategy for serving contiguous areas or for future buildout. Charter, as it has always done, continues to cherry pick the more profitable – or annoying customers, like me - in our town, leaving behind isolated non-contiguous pockets of unserved homes. Presumably, in the future, they will then seek grant funding to serve these difficult to reach areas while simultaneously preventing any other internet service provider from building into the franchise area. Remember, I am talking here about 256 unserved residences in the Town of Duanesburg which have never been eligible for grant funding because Charter reports them as served – and they appear as served on the Broadband Availability Maps.

Again, Fix the maps and make Charter's expansion plans public.

The DPS has failed to protect the public interest and has not advocated for rate payers and those left unserved. They have promulgated regulations that reduce competition and protect the profit of internet service providers. These failures can and must be addressed.

- The DPS must - require 100% network buildout within franchise areas by incrementally lowering the density requirement for rural buildout by seven homes per mile each year. This would eliminate unserved locations in franchise areas within five years. Franchise holders cannot not be permitted to leave isolated pockets of unserved homes. If franchise owners don't like it, they can leave.
- The DPS must - require pole attachment contracts by franchise area, not by pole. This will reduce the incentive to cherry pick profitable homes within franchise areas by reducing the extra cost of serving homes on lower density roads.

In closing – Last month my husband and I drove our daughter to her new apartment at college. I asked her if she was sure there was a good internet connection. She looked at me like I was crazy and said, "Mom, of course there is. Internet is included in the rent, it's a utility."

Ladies and gentlemen -- I still don't have broadband internet at my home.

Fix the maps and keep the grant funding coming.

Thank you.