

ADMINISTRATIVE PRACTICE LETTER

SUBJECT: NETWORK SERVICES

The University of Maine System (UMS) in fulfilling its educational, research and public service missions manages and operates a communications network in support of:

- a) K-12 schools, both public and private, including the Maine Department of Education;
- b) Higher education institutions, both public and private;
- c) Public libraries, including the Maine State Library;
- d) Maine Public Broadcasting Network (MPBN);
- e) Nonprofit research entities (defined as nonprofit scientific or educational organizations as recognized by the IRS under section 501(c)(3) of the Internal Revenue Code);
- f) Municipal, county, and state government.

UMS will continue to provide and expand the services to its nonprofit research, governmental, and educational partners; MPBN; and the agencies represented on the NetworkMaine Council, State Office of Information Technology (State CIO), Maine Department of Education (DOE), and the Maine State Library, which encompasses the Maine School and Library Network (MSLN). Also, UMS will continue to provide and expand services to its partners the Jackson Laboratory and the University System of New Hampshire under the agreements UMS has signed with them.

In complying with Title 5, Part 1, Chapter 3 §55-A of Maine Statutes that prohibits UMS from competing within the private sector, UMS will not provide telecommunication services to commercial or for-profit entities, residential consumers, hospitals, or medical centers (excluding the nonprofit research arm of such entities).

BACKGROUND:

The University of Maine System has been involved in providing various services to other public and nonprofit entities since the early nineties primarily to K-12 schools, the Maine Department of Education, the Maine State Library, public libraries, Maine Public Broadcasting Network (MPBN), both public and private higher education institutions, nonprofit research entities, and State Government. These services have centered on network access and connectivity, but have included web hosting, e-mail, and Library System Application hosting. This was a natural outgrowth of the evolution of the Internet which originated in the federal government (ARPAnet) and then to the academic community via connections to NSFnet through grants from National Science Foundation. UMS has provided network connectivity to the above constituents since the early 1990s in concert with them and commercial telecommunication providers.

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During the 123rd legislative session UMS secured \$3.0M in one time funds to partner with the Jackson Laboratory to build a Regional Optical Network to support research and education across the state. This infrastructure was justified on the basis that it would support nonprofit research, higher education, K-12 schools, the Maine Department of Education, the Maine State Library, public libraries, MPBN, and government entities. This network backbone was fully operational in the fall of 2009 with the addition of the University System of New Hampshire as a partner. The underlying contracts the University signed to lease fiber from Maine telecommunications companies have "Qualified Use" clauses which restricts UMS to providing access only in the performance or conduct of collaborative educational or research endeavors and affiliated activities which may be performed by organizations including academic institutions, governments, libraries, museums and other entities with educational or research purposes including the research arm of hospitals. These lease agreements preclude UMS from providing telecommunications services to businesses, consumers or subcontracting its leases to telecommunications providers who would be competitive entities to the owners of the optical fiber.

This investment by the State of Maine and the partners above have provided the education and research communities within the State of Maine the advanced network infrastructure needed to be on a competitive basis with other states across the nation. The access to optical (high speed) and other network technologies are critical to the success of UMS, K-12 schools, the Maine Department of Education, the Maine State Library, public libraries, MPBN, both public and private higher education institutions, nonprofit research entities, and State Government now and into the foreseeable future.

APPROVED:

Vice Chancellor for Finance & Administration & Treasurer