S T A T E O F N E W Y O R K

1756

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the executive law, in relation to establishing regional broadband planning grants

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new article 7-B to read as follows:

ARTICLE 7-B

REGIONAL BROADBAND PLANNING GRANTS

SECTION 178. LEGISLATIVE FINDINGS AND INTENT.

178-A. BROADBAND GRANTS.

S 178. LEGISLATIVE FINDINGS AND INTENT. THE LEGISLATURE FINDS AND DECLARES THAT THE TELECOMMUNICATIONS ACT OF 1996 WAS DESIGNED TO FOSTER COMPETITION IN THE TELECOMMUNICATIONS INDUSTRY, LOWERING PRICES AND IMPROVING SERVICES. UNFORTUNATELY, LONG DISTANCES BETWEEN CITIES AND LOW POPULATION DENSITIES DELAY DEPLOYMENT OF ADVANCED TELECOMMUNICATIONS IN RURAL AREAS. A "DIGITAL DIVIDE" EXISTS IN NEW YORK STATE BETWEEN PRIMARILY URBAN AND RURAL AREAS. TELECOMMUNICATION COMPANIES HAVE FOCUSED MOST OF THEIR INITIAL BROADBAND OPTICAL FIBER, CELLULAR, AND SATELLITE DISH INVESTMENTS IN THE MOST POPULATED AREAS OF THE STATE WHERE THE RETURN ON THAT INVESTMENT IS GREATEST. CONSEQUENTLY, MANY RURAL COMMUNITIES MAY NOT HAVE ACCESS TO ADVANCED HIGH-SPEED INTERNET ACCESS. THE LACK OF SUCH ACCESS CAN BE AN IMPEDIMENT IN THE EFFORT TO RECRUIT AND RETAIN BUSINESS AND JOBS. WHILE A NUMBER OF PROPOSALS HAVE BEEN ADVANCED TO ADDRESS THIS ISSUE, IT IS APPARENT THAT THERE IS NOT AN EXISTING BASELINE DATA TO SERVE AS A GUIDE FOR DECISION-MAKING.

THE LEGISLATURE FURTHER FINDS THAT IT IS UP TO INDIVIDUAL JURISDICTIONS TO DO THEIR OWN TELECOMMUNICATION ASSESSMENTS TO DETERMINE WHERE HIGH-SPEED INTERNET ACCESS EXISTS. A FEW COUNTIES HAVE BEGUN THIS PROCESS. THIS LEGISLATION IS NECESSARY TO DETERMINE WHERE TELECOMMUNICATION

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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INFRASTRUCTURE CURRENTLY EXISTS AND WHERE INVESTMENTS NEED TO BE MADE IN THE FUTURE.

S 178-A. BROADBAND GRANTS. 1. ANY ECONOMIC DEVELOPMENT ORGANIZATION CONDUCTING TELECOMMUNICATIONS ASSESSMENTS FOR THE COUNTY IN WHICH SUCH ORGANIZATION IS LOCATED SHALL RECEIVE A STATE GRANT IN AN AMOUNT EQUAL TO THE CONTRIBUTION TO SUCH ORGANIZATION BY SUCH COUNTY, PROVIDED, HOWEVER, THAT THE CUMULATIVE AMOUNT OF SUCH GRANTS GIVEN TO ORGANIZATIONS IN ANY ONE COUNTY SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS.

2. THE PURPOSE OF THESE GRANTS IS TO:

(A) IDENTIFY AREAS WITHIN THE COUNTY THAT ARE NOT SERVED BY HIGH-SPEED INTERNET ACCESS.

(B) DETERMINE WHERE HIGH-SPEED INTERNET ACCESS HAS BEEN DEPLOYED AND TO DETERMINE AN INVENTORY OF THE KINDS OF TECHNOLOGY THAT ARE IN PLACE WITHIN SUCH COUNTY, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(I) LOCAL EXCHANGE CARRIER CHARACTERISTICS, INCLUDING SERVICE AREA, CENTRAL OFFICES, EQUIPMENT, SERVICES, AND COST OF SERVICE;

(II) TELECOMMUNICATIONS NETWORK CHARACTERISTICS, INCLUDING INTEROFFICE BACKBONES, WIDE-AREA NETWORKS, AND LOCAL-AREA NETWORKS;

(III) LONG DISTANCE SERVICES;

(IV) THE ABILITY TO RECEIVE TELEVISION AND VIDEO SIGNALS, INCLUDING PUBLIC AND PRIVATE CABLE, SATELLITE LINKS, AND INTERACTIVE VIDEO;

(V) THE ABILITY TO RECEIVE WIRELESS TRANSMISSIONS, INCLUDING CELLULAR, PERSONAL COMMUNICATION SERVICES, OR DIGITAL WIRELESS;

(VI) INTERNET SERVICE PROVIDER CHARACTERISTICS, INCLUDING LOCAL DIAL-UP ACCESS, THE NUMBER OF MODEM LINES AND THEIR RELATIVE SPEEDS, THE NUMBER OF LINES DEDICATED FOR INTERNET SERVICE PURPOSES, AND THE VARIETY AND COSTS OF SERVICES; AND

(VII) GOVERNMENT NETWORKS OPERATED BY PUBLIC SCHOOLS, LIBRARIES, OR OTHER PUBLIC ENTITIES.

S 2. The department of public service shall conduct a statewide study of the inventory of the state's high-speed infrastructure. The results of the study shall be presented to the governor, the temporary president of the senate, and the speaker of the assembly no later than one year after the effective date of this act.

S 3. This act shall take effect immediately; provided, however, that any state grants made pursuant to section one of this act shall apply to county grants made on or after the effective date of this act.