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

4783

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

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

AN ACT to amend the public service law, in relation to the collection of data on broadband services

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

Section 1. The public service law is amended by adding a new article 13 to read as follows:

ARTICLE 13

COLLECTION OF DATA ON BROADBAND SERVICES

SECTION 240. DEFINITIONS.
241. COLLECTION OF DATA ON BROADBAND SERVICES.
242. REPORT TO LEGISLATURE AND GOVERNOR.
243. NO REGULATORY AUTHORITY.

S 240. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERM SHALL HAVE THE FOLLOWING MEANINGS:

"BROADBAND SERVICE" SHALL MEAN ANY SERVICE THAT CONNECTS TO THE PUBLIC INTERNET THAT PROVIDES A DATA TRANSMISSION-RATE EQUIVALENT TO AT LEAST 200 KILOBITS PER SECOND, OR 200,000 BITS PER SECOND, OR ANY SUCCESSOR TRANSMISSION-RATE, IN AT LEAST ONE DIRECTION.

S 241. COLLECTION OF DATA ON BROADBAND SERVICES. IN ORDER TO IDENTIFY AND TRACK THE AVAILABILITY OF BROADBAND SERVICES WITHIN THE STATE, THE COMMISSION SHALL REQUIRE EACH PROVIDER OF BROADBAND SERVICES IN THE STATE TO SUBMIT AN ANNUAL REPORT TO THE COMMISSION DESCRIBING AND IDENTIFYING THE AREAS OF THE STATE WHERE THEY PROVIDE BROADBAND SERVICES, SUCH AREAS TO BE IDENTIFIED ON A FIVE-DIGIT POSTAL ZIP CODE PLUS FOUR-DIGIT LOCATION BASIS. THE COMMISSION SHALL NOT DISCLOSE OR MAKE PUBLICLY AVAILABLE THE PROPRIETARY OR CONFIDENTIAL INFORMATION SUBMITTED PURSUANT TO THIS SECTION. NO INFORMATION SUBMITTED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO DISCLOSURE UNDER THE NEW YORK FREEDOM OF INFORMATION LAW.

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

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S 242. REPORT TO LEGISLATURE AND GOVERNOR. THE COMMISSION SHALL USE THE INFORMATION COLLECTED UNDER SECTION TWO HUNDRED FORTY-ONE OF THIS ARTICLE TO PREPARE AND SUBMIT ANNUALLY TO THE ASSEMBLY, SENATE AND GOVERNOR A REPORT THAT ANALYZES IN DETAIL THE AVAILABILITY OF BROADBAND SERVICES IN THE STATE. SUCH REPORT SHALL BE ACCOMPANIED BY A GEOGRAPHIC INVENTORY MAP THAT DEPICTS, ON A ZIP CODE PLUS FOUR LEVEL, THE GEOGRAPHIC EXTENT TO WHICH BROADBAND SERVICES ARE DEPLOYED AND PUBLICLY AVAILABLE IN THE STATE, INCLUDING AN IDENTIFICATION OF EACH TYPE OF BROADBAND SERVICE AVAILABLE WITHIN AN AREA, AND EACH AREA IN WHICH BROADBAND SERVICE IS NOT DEPLOYED AT THAT TIME. SUCH MAP SHALL NOT DISCLOSE THE INDIVIDUAL IDENTITY OF ANY PROVIDER OF BROADBAND SERVICES IN AN AREA.

S 243. NO REGULATORY AUTHORITY. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS GIVING THE COMMISSION ANY REGULATORY JURISDICTION OR OVERSIGHT AUTHORITY OVER PROVIDERS OF BROADBAND SERVICES OR INFORMATION TECHNOLOGY.

S 2. This act shall take effect immediately.