STATE OF NEW YORK

6114

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to providing broadband and fiber optic services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. The legislature hereby finds and declares that large portions of the state do not have access to broadband services, particularly fiber optic service. This has made the telecommunications marketplace less competitive, and has been a partial cause of deteriorated service for customers and users of regulated telephonic and telecommunications services. This in turn has had substantial negative economic and social impacts, particularly in rural and other underserved communities.

§ 2. The public service law is amended by adding a new section 224-c to read as follows:

§ 224-c. Broadband and fiber optic services. 1. The commission shall determine, within six months of the effective date of this section, the status of broadband and fiber optic services in New York state. The commission shall identify communities without access to broadband and fiber optic services, communities in which insufficient telecommunications service has caused social or economic impacts, communities where local franchises have not been complied with, and communities in which the commission believes such broadband and/or fiber optic service is necessary for the successful implementation of commission policies on competition, affordable, and adequate service.

2. The commission shall, within six months of the completion of the determination of broadband and fiber optic services in New York state pursuant to subdivision one of this section, require construction or installation of broadband and fiber optic services by an internet

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

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service provider in communities in which broadband and fiber optic services are determined to be absent, insufficient, or inadequate, so as to ensure the availability of broadband and fiber optic services to the greatest number of New York state residents possible.

§ 3. The article heading of article 11 of the public service law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

PROVISIONS RELATING TO CABLE TELEVISION COMPANIES **AND INTERNET SERVICE PROVIDERS**

§ 4. Section 212 of the public service law is amended by adding a new subdivision 15 to read as follows:

15. "Internet service provider" shall mean any person, business or organization qualified to do business in this state that provides individuals, corporations, or other entities with the ability to connect to the internet.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law.