

# STATE OF NEW YORK

---

1068

2019-2020 Regular Sessions

## IN SENATE

January 10, 2019

---

Introduced by Sens. GALLIVAN, BAILEY, HELMING -- 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:

1 Section 1. Legislative findings. The legislature hereby finds and  
2 declares that large portions of the state do not have access to broad-  
3 band services, particularly fiber optic service. This has made the tele-  
4 communications marketplace less competitive, and has been a partial  
5 cause of deteriorated service for customers and users of regulated tele-  
6 phonic and telecommunications services. This in turn has had substantial  
7 negative economic and social impacts, particularly in rural and other  
8 underserved communities.

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

11 § 224-c. Broadband and fiber optic services. 1. The commission shall  
12 determine, within six months of the effective date of this section, the  
13 status of broadband and fiber optic services in New York state. The  
14 commission shall identify communities without access to broadband and  
15 fiber optic services, communities in which insufficient telecommuni-  
16 cations service has caused social or economic impacts, communities where  
17 local franchises have not been complied with, and communities in which  
18 the commission believes such broadband and/or fiber optic service is  
19 necessary for the successful implementation of commission policies on  
20 competition, affordable, and adequate service.

21 2. The commission shall, within six months of the completion of the  
22 determination of broadband and fiber optic services in New York state  
23 pursuant to subdivision one of this section, require construction or  
24 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.

LBD00855-01-9

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

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

7 PROVISIONS RELATING TO CABLE TELEVISION COMPANIES

8 AND INTERNET SERVICE PROVIDERS

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

11 15. "Internet service provider" shall mean any person, business or  
12 organization qualified to do business in this state that provides indi-  
13 viduals, corporations, or other entities with the ability to connect to  
14 the internet.

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