

STATE OF NEW YORK

4878--A

2021-2022 Regular Sessions

IN SENATE

February 17, 2021

Introduced by Sens. RYAN, HINCHEY, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to directing the public service commission to review broadband and fiber optic services within the state

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "comprehensive broadband connectivity act".

3 § 2. Legislative findings. The legislature hereby finds and declares
4 that more granular and adequate broadband mapping is an essential next
5 step in continuing the progress of expanding access to high-quality,
6 affordable broadband access in New York State. The New York Broadband
7 Program has helped expand broadband service to hundreds of thousands of
8 previously underserved New Yorkers. However, many still lack access.
9 Due to a lack of comprehensive data, measuring the true extent of this
10 problem has been hampered by the limitations of federal data on broad-
11 band access. More accurate and comprehensive data is necessary to
12 complete the State's work in ensuring truly universal broadband access.

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

15 § 224-c. Broadband and fiber optic services. 1. For the purposes of
16 this section:

17 (a) The term "served" means any location with at least two internet
18 service providers and at least one such provider offers high-speed
19 internet service.

20 (b) The term "underserved" means any location which has fewer than two
21 internet service providers, or has internet speeds of at least 25 mega-

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

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1 bits per second (mbps) download but less than 100 mbps download avail-
2 able.

3 (c) The term "unserved" means any location which has no fixed wireless
4 service or wired service with speeds of 25 mbps download or less avail-
5 able.

6 (d) The term "high-speed internet service" means internet service of
7 at least 100 mbps download and at least 10 mbps upload.

8 (e) The term "broadband service" shall mean a mass-market retail
9 service that provides the capability to transmit data to and receive
10 data from all or substantially all internet endpoints, including any
11 capabilities that are incidental to and enable the operation of the
12 communications service, but shall not include dial-up service.

13 (f) The term "location" shall mean a geographic area smaller than a
14 census tract.

15 (g) The term "internet service provider" shall mean any person, busi-
16 ness or organization qualified to do business in this state that
17 provides individuals, corporations, or other entities with the ability
18 to connect to the internet.

19 2. The commission shall study the availability, affordability and
20 reliability of high-speed internet and broadband services in New York
21 state. The commission shall, with the assistance of the New York state
22 energy research and development authority, to the extent practicable
23 under New York state law:

24 (a) assess the efficacy and make recommendations regarding levels of
25 competition among providers, as well as any regulatory and statutory
26 barriers, in order to deliver comprehensive statewide access to high-
27 speed internet;

28 (b) review available technology to identify solutions that best
29 support high-speed internet service in underserved or unserved areas,
30 and make recommendations on ensuring deployment of such technology in
31 underserved and unserved areas;

32 (c) identify instances where local franchise agreements and legal
33 settlements related to internet access have not been complied with;

34 (d) identify locations where insufficient access to high-speed inter-
35 net and/or broadband service, and/or persistent digital divide, is caus-
36 ing negative social or economic impact on the community;

37 (e) identify locations where the commission believes fiber optic
38 service is necessary for the successful implementation of commission's
39 policies on competition, affordability, and adequate service;

40 (f) examine any other telecommunications deficiencies affecting broad-
41 band service it deems necessary to further the economic and social goals
42 of the state; and

43 (g) produce, maintain and publish on its website, a detailed internet
44 access map of the state, indicating access to internet service by
45 location. Such map shall include, but not be limited to, the following
46 information for each location:

47 (i) download and upload speeds advertised and experienced;

48 (ii) the consistency and reliability of download and upload speeds
49 including latency;

50 (iii) the types of internet service and technologies available includ-
51 ing but not limited to dial-up, broadband, wireless, fiber, coax, or
52 satellite;

53 (iv) the number of internet service providers available, the price of
54 internet service available; and

55 (v) any other factors the commission may deem relevant.

1 3. The commission shall submit a report of its findings and recommen-
2 dations from the study required in subdivision two of this section, to
3 the governor, the temporary president of the senate and the speaker of
4 the assembly no later than one year after the effective date of this
5 section, and an updated report annually thereafter. Such report shall
6 include, but not be limited to, the following:

7 (a) the overall number of residences with access to high-speed inter-
8 net identifying which areas are served, unserved and underserved;

9 (b) a regional survey of internet service prices in comparison to
10 county-level median income;

11 (c) an analysis of the affordability of high-speed internet service in
12 New York state;

13 (d) any relevant usage statistics;

14 (e) any other metrics or analyses the commission deems necessary in
15 order to assess the availability, affordability and reliability of
16 internet service in New York state; and

17 (f) the map maintained pursuant to paragraph (g) of subdivision two of
18 this section.

19 4. The commission shall hold at least four regional public hearings
20 within one year of the effective date of this section, to solicit input
21 from the public and other stakeholders including but not limited to
22 internet service providers, telecommunications concerns, labor organiza-
23 tions, public safety organizations, healthcare, education, agricultural
24 and other businesses or organizations.

25 5. The commission shall work with internet service providers in the
26 state to prioritize access to broadband and fiber optic services for the
27 communities determined to have experienced negative economic and social
28 impacts due to absent, insufficient, or inadequate broadband or fiber
29 optic service pursuant to subdivision one of this section.

30 6. To effectuate the purposes of this section, the commission may
31 request and shall receive from any department, division, board, bureau,
32 commission or other agency of the state or any state public authority
33 such assistance, information and data as will enable the commission to
34 carry out its powers and duties under this section.

35 § 4. This act shall take effect on the thirtieth day after it shall
36 have become a law.