

# STATE OF NEW YORK

5117

2021-2022 Regular Sessions

## IN SENATE

February 24, 2021

Introduced by Sen. RYAN -- 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 enacting the "NY broadband resiliency, public safety and quality act"

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 "NY broadband resiliency, public safety and quality act".

3 § 2. Legislative findings. The legislature hereby finds and declares  
4 that access to high-speed broadband service is a necessity and essential  
5 to participation in the economy, education and civic life. Closing gaps  
6 in broadband availability is a matter of deployment, affordability and  
7 ensuring networks are resilient, high quality and facilitate public  
8 safety. Because voice over internet protocol has replaced traditional  
9 voice telephone service for a large segment of the population, ensuring  
10 its reliability is in the public interest and consistent with public  
11 safety goals. State regulators require unambiguous authority and a clear  
12 mandate to establish and enforce appropriate oversight and regulation of  
13 broadband and voice over internet protocol service in order to meet the  
14 state's goals of universal, high-quality and affordable access.

15 § 3. The public service law is amended by adding a new article 12 to  
16 read as follows:

### ARTICLE 12

#### BROADBAND RESILIENCY, PUBLIC SAFETY AND QUALITY ACT

##### Section 250. Definitions.

##### 251. Oversight of broadband and VoIP service.

21 § 250. Definitions. For the purposes of this article the following  
22 terms shall have the following meanings:

23 1. "Broadband service" shall mean a mass-market retail service that  
24 provides the capability to transmit data to and receive data from all or

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

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1 substantially all internet endpoints, including any capabilities that  
2 are incidental to and enable the operation of the communications  
3 service, but shall not include dial-up service.

4 2. "Internet service provider" shall mean any person, business or  
5 organization qualified to do business in this state that provides indi-  
6 viduals, corporations or other entities with the ability to connect to  
7 the internet with a broadband service.

8 3. "Voice over Internet Protocol" or "VoIP" shall mean an intercon-  
9 nected voice over internet protocol service that:

10 (a) Enables real-time, two-way voice communications;

11 (b) Requires a broadband connection from the user's location;

12 (c) Requires internet protocol-compatible customer premises equipment;  
13 and

14 (d) Permits users to receive calls that originate on the public  
15 switched telephone network and to terminate calls to the public switched  
16 telephone network.

17 § 251. Oversight of broadband and VoIP service. 1. The public service  
18 commission shall be authorized to exercise oversight regarding broadband  
19 and VoIP service.

20 2. The public service commission shall promulgate rules and regu-  
21 lations necessary to implement effective oversight of broadband and VoIP  
22 service, including but not limited to the following:

23 (a) Ensuring the resiliency and reliability of broadband infrastruc-  
24 ture and requiring internet service providers to submit information  
25 related to network reliability.

26 (b) Ensuring the public safety and adequacy of networks by exercising  
27 oversight of internet service providers' emergency preparedness and  
28 plans for post-emergency network restoration, including establishing  
29 minimum power back-up requirements and requiring all internet service  
30 providers to maintain networks sufficiently to ensure reliable and safe  
31 communications services.

32 (c) Requiring internet service providers to report data on the pricing  
33 and adoption of VoIP and broadband service.

34 3. The public service commission shall conduct evaluations and audits  
35 of facilities and infrastructure used to provide high-speed internet  
36 service and evaluate facilities and infrastructure in regards to areas  
37 of public safety, resiliency, broadband and anything else the commission  
38 deems relevant to achieving goals of resiliency, quality and public  
39 safety in broadband service, as well as the overall goals of universal  
40 access and affordability of broadband service.

41 4. The public service commission shall report annually to the legisla-  
42 ture on progress towards achieving goals of resiliency, public safety  
43 and quality of broadband and VoIP service.

44 § 4. This act shall take effect immediately.