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:

Section 1. Short title. This act shall be known and may be cited as the "NY broadband resiliency, public safety and quality act".

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

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

ARTICLE 12

BROADBAND RESILIENCY, PUBLIC SAFETY AND QUALITY ACT

Section 250. Definitions.

251. Oversight of broadband and VoIP service.

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

1. "Broadband service" shall mean a mass-market retail service that 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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substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but shall not include dial-up service.

2. "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 with a broadband service.

3. "Voice over Internet Protocol" or "VoIP" shall mean an interconnected voice over internet protocol service that:

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

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

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

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

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

2. The public service commission shall promulgate rules and regulations necessary to implement effective oversight of broadband and VoIP service, including but not limited to the following:

(a) Ensuring the resiliency and reliability of broadband infrastructure and requiring internet service providers to submit information related to network reliability.

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

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

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

4. The public service commission shall report annually to the legislature on progress towards achieving goals of resiliency, public safety and quality of broadband and VoIP service.

§ 4. This act shall take effect immediately.