STATE OF NEW YORK

4987

2023-2024 Regular Sessions

IN SENATE

February 21, 2023

Introduced by Sen. OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the economic development law, in relation to directing the empire state development corporation to publish and maintain a map reflecting the aggregation of information broadband providers are submitting in the ongoing FCC mapping proceeding

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

Section 1. The economic development law is amended by adding a new article 23 to read as follows:

ARTICLE 23

BROADBAND MAPPING PROGRAM

Section 450. Broadband mapping program.

§ 450. Broadband mapping program. 1. Definitions. For purposes of this article, the following terms shall have the following meanings:

(a) "Broadband provider" means a provider of fixed or mobile broadband internet access service and includes any entity required to provide the federal government with information on Federal Communications Commission form 477 or as part of the federal digital opportunity data collection program or a provider of satellite-based broadband internet access service that has been designated as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e)(6) for any portion of New York.

(b) "Chief advisor" means the broadband program office assistant vice-president of innovation and broadband.

(c) "Map" means the statewide broadband availability map developed and maintained pursuant to this article.

2. The empire state development corporation shall, in coordination with the chief advisor, develop a statewide broadband availability map indicating broadband coverage, including maximum broadband speeds available in service territories in New York. The empire state development corporation and the chief advisor shall provide the initial map by July first, two thousand twenty-four, or as soon as practicable, and shall update the map at least annually.

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

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3. Broadband providers shall be required to submit updated service territory data to the empire state development corporation annually. The empire state development corporation shall establish a process, timeline, and specific data requirements for broadband providers to submit their data. All public bodies shall cooperate with the empire state development corporation, or any agent thereof, to furnish data requested by the agency for the initial improvement and maintenance of the map.

4. The empire state development corporation shall not require broadband providers to submit any data, in substantive content or form or schedule, beyond or in advance of that which the provider is required to submit to the Federal Communications Commission pursuant to the federal broadband deployment accuracy and technological availability act, 47 U.S.C. § 641 et. seq., provided, however, that satellite-based broadband providers that have been designated as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e)(6) for any portion of New York shall be required to submit comparable data as other broadband providers. Public bodies and broadband providers shall not be required to submit any customer information, such as names, addresses, or account numbers.

5. The empire state development corporation may publish only anonymized versions of the map, showing locations served and unserved by broadband without reference to any specific provider. The map shall not include information regarding ownership or control over the network or networks providing service. The empire state development corporation shall establish a process for broadband providers to petition the agency to correct inaccuracies in the map.

6. Maps published by the empire state development corporation pursuant to this section may be considered, but shall not be considered conclusive, for purposes of determining eligibility for funding for New York's broadband expansion grant or loan programs, including the new NY broadband program or challenges thereto.

7. The empire state development corporation: (a) may contract with private parties to make the necessary improvements to the existing map and to maintain the map. Such private parties may include any entities and individuals selected by the agency to assist the agency in improving and maintaining such a map; (b) shall consult existing broadband maps, particularly those published by the Federal Communications Commission; and (c) may acquire existing, privately held data or mapping information that may contribute to the accuracy of the map.

8. Information submitted by a broadband provider in connection with this section shall be excluded from the public disclosure requirements of article six of the public officers law. Information submitted by the a broadband provider pursuant to this section shall be used solely for the purposes stated under this section and shall not be released by the empire state development corporation, or any other public records custodian, without the express written permission of the submitting broadband provider.

9. The empire state development corporation shall annually evaluate federal mapping data and shall waive the requirement for broadband providers to submit territory data if a map of near identical or greater quality is made publicly available by the Federal Communications Commission as part of the federal digital opportunity data collection program or its successor. This waiver shall not be unreasonably withheld.

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