

# 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:

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

### ARTICLE 23

#### BROADBAND MAPPING PROGRAM

##### Section 450. Broadband mapping program.

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

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

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

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

19 2. The empire state development corporation shall, in coordination  
20 with the chief advisor, develop a statewide broadband availability map  
21 indicating broadband coverage, including maximum broadband speeds avail-  
22 able in service territories in New York. The empire state development  
23 corporation and the chief advisor shall provide the initial map by July  
24 first, two thousand twenty-four, or as soon as practicable, and shall  
25 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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1 3. Broadband providers shall be required to submit updated service  
2 territory data to the empire state development corporation annually. The  
3 empire state development corporation shall establish a process, time-  
4 line, and specific data requirements for broadband providers to submit  
5 their data. All public bodies shall cooperate with the empire state  
6 development corporation, or any agent thereof, to furnish data requested  
7 by the agency for the initial improvement and maintenance of the map.

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

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

27 6. Maps published by the empire state development corporation pursuant  
28 to this section may be considered, but shall not be considered conclu-  
29 sive, for purposes of determining eligibility for funding for New York's  
30 broadband expansion grant or loan programs, including the new NY broad-  
31 band program or challenges thereto.

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

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

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

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