

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.