

# STATE OF NEW YORK

6318

2023-2024 Regular Sessions

## IN SENATE

April 13, 2023

Introduced by Sen. HINCHEY -- 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 directing the public service commission to review cellular services within the state

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

1 Section 1. This act shall be known and may be cited as the "cellular  
2 mapping act of 2023".

3 § 2. The public service law is amended by adding a new section 91-b to  
4 read as follows:

5 § 91-b. Cellular services. 1. For the purposes of this section:

6 (a) The term "served for calling" means any location with at least two  
7 cellular service providers and/or at least one such provider has a call  
8 completion rate of greater than ninety percent.

9 (b) The term "underserved" means any location which has fewer than two  
10 cellular service providers, or such providers have a call completion  
11 rate greater than thirty percent, but less than ninety percent.

12 (c) The term "unserved" means any location which has no cellular  
13 service providers or such providers have a call completion rate of less  
14 than thirty percent.

15 (d) The term "excellent cellular coverage" shall mean cellular service  
16 of at least 25 megabits per second (mbps) download speeds.

17 (e) The term "adequate cellular coverage" shall mean cellular service  
18 of at least 5 mbps but less than 25 mbps download speeds.

19 (f) The term "poor cellular coverage" shall mean cellular service of  
20 fewer than 5 mbps download speed.

21 (g) The term "no cellular coverage" shall mean cellular service where  
22 greater than fifty percent of speed tests fail to complete.

23 (h) The term "location" shall mean a geographic area smaller than a  
24 census tract.

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

LBD10656-03-3

1 (i) The term "cellular service provider" shall mean any person, busi-  
2 ness or organization qualified to do business in this state that  
3 provides individuals, corporations, or other entities with the ability  
4 to make wireless telephone calls and connect to the internet.

5 2. The commission shall study the availability, affordability and  
6 reliability of cellular services in New York state. The commission  
7 shall:

8 (a) assess the efficacy and make recommendations regarding levels of  
9 competition among providers, as well as any regulatory and statutory  
10 barriers, in order to deliver comprehensive statewide access to excel-  
11 lent cellular coverage;

12 (b) review available technology to identify solutions that best  
13 support cellular service in underserved or unserved areas, and make  
14 recommendations on ensuring deployment of such technology in underserved  
15 and unserved areas;

16 (c) identify locations where insufficient access to excellent cellular  
17 coverage is causing negative social or economic impact on the community,  
18 which shall include but not be limited to: the incurment of extraneous  
19 business expenses, the lack of remote educational opportunities, resi-  
20 dents being unable to place calls and/or send text messages in emergency  
21 situations and barriers to the proper provision of police, fire and  
22 emergency medical services;

23 (d) examine any other telecommunications deficiencies affecting excel-  
24 lent cellular service it deems necessary to further the economic and  
25 social goals of the state;

26 (e) produce, maintain and publish on its website, a detailed cellular  
27 service access map of the state, indicating access to cellular service  
28 by location. Such map shall include, but not be limited to, the follow-  
29 ing information for each location:

30 (i) call completion rates and download speeds advertised and experi-  
31 enced;

32 (ii) the consistency and reliability of call completion rates and  
33 download speeds including latency;

34 (iii) the number of cellular service providers available, the price of  
35 cellular service available; and

36 (iv) any other factors the commission may deem relevant; and

37 (f) provide the opportunity for consumers to challenge the results of  
38 the call completion rates and speed tests at each location.

39 3. The commission shall submit a report of its findings and recommen-  
40 dations from the study required in subdivision two of this section, to  
41 the governor, the temporary president of the senate and the speaker of  
42 the assembly no later than one year after the effective date of this  
43 section, and an updated report annually thereafter. Such report shall  
44 include, but not be limited to, the following:

45 (a) the overall number of residences with access to excellent cellular  
46 coverage, adequate cellular coverage, poor cellular coverage and no  
47 cellular coverage and identifying which areas are served, unserved and  
48 underserved for calling;

49 (b) a regional survey of cellular service prices in comparison to  
50 county-level median income;

51 (c) an analysis of the affordability of excellent cellular coverage in  
52 New York state;

53 (d) any relevant usage statistics;

54 (e) any other metrics or analyses the commission deems necessary in  
55 order to assess the availability, affordability and reliability of  
56 cellular service in New York state; and

1 (f) the map maintained pursuant to paragraph (e) of subdivision two of  
2 this section.

3 4. The commission shall hold at least four regional public hearings  
4 within one year of the effective date of this section, to solicit input  
5 from the public and other stakeholders including but not limited to  
6 cellular service providers, telecommunications concerns, labor organiza-  
7 tions, public safety organizations, healthcare, education, agricultural  
8 and other businesses or organizations.

9 5. The commission shall work with cellular service providers in the  
10 state to prioritize access to excellent cellular coverage services for  
11 the communities determined to have experienced negative economic and  
12 social impacts due to absent, insufficient, or inadequate cellular  
13 service pursuant to subdivision one of this section.

14 6. To effectuate the purposes of this section, the commission may  
15 request and shall receive from any department, division, board, bureau,  
16 commission or other agency of the state or any state public authority  
17 such assistance, information and data as will enable the commission to  
18 carry out its powers and duties under this section.

19 7. To ensure the compliance of cellular service providers with the  
20 recommendations of the commission, the division of consumer protection  
21 shall assist the commission.

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