STATE OF NEW YORK

6318--A

Cal. No. 1519

2023-2024 Regular Sessions

IN SENATE

April 13, 2023

Introduced by Sens. HINCHEY, MAY, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

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

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

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

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

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

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

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

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

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

LBD10656-04-3

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

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

(i) The term "cellular 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 make wireless telephone calls and connect to the internet.

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

(a) review and appropriately consider the results of the federal communications commission broadband data task force's newly updated national broadband map, and any future data, on the availability of wireless broadband service in New York state;

(b) assess the efficacy and make recommendations regarding levels of competition among providers, as well as any regulatory and statutory barriers, in order to deliver comprehensive statewide access to excellent cellular coverage;

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

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

(e) examine any other telecommunications deficiencies affecting excellent cellular service it deems necessary to further the economic and social goals of the state;

(f) produce, maintain and publish on its website, a detailed cellular service access map of the state, indicating access to cellular service by location. Such map shall include, but not be limited to, the following information for each location:

(i) call completion rates and download speeds advertised and experienced;

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

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

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

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

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

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

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

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

(d) any relevant usage statistics;

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

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

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

5. The commission shall examine the labor demand of the wireless construction workforce needed to achieve excellent cellular coverage statewide.

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

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

8. To ensure the compliance of cellular service providers with the recommendations of the commission, the division of consumer protection shall assist the commission.

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