

An Act to amend [the public service law], in relation to the resiliency, public safety and quality of broadband in [XXX] State.

Section 1. Short title. This act shall be known and may be cited as the "Broadband resiliency, public safety and quality act".

§ 2. Legislative findings. The legislature hereby finds and declares that access to high-speed broadband is a necessity and essential to participation in the economy, education and civic life. Closing gaps in broadband availability is a matter of deployment, affordability, and ensuring networks are resilient, high quality and facilitate public safety. Because VoIP has replaced traditional voice telephone service for a large segment of the population, ensuring its reliability is in the public interest and consistent with public safety goals. State regulators require unambiguous authority and a clear mandate to establish and enforce appropriate oversight and regulation of broadband and VoIP in order to meet the state's goals of universal, high-quality and affordable access.

§ 3. The public service law is amended by adding a new section XXXX

§ XXX. Oversight of Broadband and VoIP service. 1. For the purposes of this section:

- (A) The term "broadband service" shall mean a mass-market retail service that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but shall not include dial-up service.
- (B) The term "internet 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 connect to the internet with a broadband service.
- (C) The term "Voice over Internet Protocol" or "VoIP" shall mean an interconnected Voice over Internet Protocol (VoIP) service is a service that:
 - a. Enables real-time, two-way voice communications;
 - b. Requires a broadband connection from the user's location;
 - c. Requires internet protocol-compatible customer premises equipment (CPE); and
 - d. Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

2. The [Commission] shall be authorized to exercise oversight in regards to broadband and VoIP service.

3. The [Commission] shall promulgate rules and regulations necessary to implement effective oversight of broadband and VoIP service in [State], including but not limited to:

(A) Resiliency. The [Commission] shall ensure the resiliency and reliability of broadband infrastructure and require internet service providers to submit information related to network reliability, including outage reporting.

(B) Public Safety. The [Commission] shall ensure the public safety and adequacy of networks by exercising oversight of internet service providers' emergency preparedness and plans for post-emergency network restoration, including establishing minimum power back-up requirements and requiring all internet service providers to maintain networks sufficiently to ensure reliable and safe communications services.

(C) Data Collection: The [Commission] shall require internet service providers to report data on the deployment/availability, pricing and adoption of VoIP and broadband service.

5. The [Commission] shall conduct evaluations and audits of facilities and infrastructure used to

provide high-speed internet service and evaluate facilities and infrastructure in regards to areas of public safety, resiliency, broadband and anything else the commission deems relevant to achieving goals of resiliency, quality and public safety in broadband service as well as the overall goals of universal access and affordability of broadband service.

6. The [Commission] shall report annually to the legislature on progress towards achieving goals of resiliency, public safety and quality of broadband and VoIP service.