AN ACT

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in alternative form of regulation of telecommunications services, further providing for definitions and for network modernization plans.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "broadband" in section 3012 of Title 66 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a definition to read:

§ 3012. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Broadband." A communication channel using any technology and having a bandwidth equal to or greater than [1.544 megabits per second (Mbps) in the downstream direction and equal to or greater than 128 kilobits per second (Kbps) in the upstream direction].
direction] minimum broadband bandwidth.

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"Minimum broadband bandwidth." The minimum number of megabits per second (Mbps) in the downstream direction and upstream direction required to participate in the Federal Communication Commission program known as the Connect America Fund or any successor Federal program.

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Section 2. Section 3014(c)(2)(i) and (7), (d)(7) and (j)(4)(iii) of Title 66 are amended to read:

§ 3014. Network modernization plans.

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(c) Bona fide retail request program.--A local exchange telecommunications company that elects to amend its network modernization plan pursuant to subsection (b)(2) or (3) shall no later than 90 days after the effective date of its amended plan implement a bona fide retail request program in areas where it does not provide broadband. Not later than 30 days in advance of program implementation, the local exchange telecommunications company shall file with the commission and provide the department with a written description of the program, a sample request for advanced services form for use in the program and the form of any advanced services term subscription agreements customers will be required to execute in connection with receiving the requested services. A bona fide retail request program shall consist of the following:

* * *

(2) To be considered a bona fide retail request, the written request must include:

(i) a request that a minimum of 50 retail access
lines or 25% of retail access lines within a community, whichever is less, each be provided the same advanced service or comparable advanced services having a bandwidth within 100 kilobits per second (Kbps) of each other. Notwithstanding the foregoing comparable bandwidth limitation, where a request includes individual customer requests for advanced services having equal to or less than [1.544 megabits per second (Mbps)] minimum broadband bandwidth in the downstream direction, all lines in the request shall be counted in meeting the minimum line requirement of this subparagraph;

* * *

(7) No advanced service requested and deployed by a local exchange telecommunications company under the bona fide retail request program which has a bandwidth of less than [1.544 megabits per second (Mbps)] minimum broadband bandwidth in the downstream direction shall be counted as a credit toward the local exchange telecommunications company's broadband deployment obligation under its network modernization plan amended pursuant to subsection (b)(2) or (3).

* * *

(d) Business attraction or retention program.--

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(7) No advanced service requested of and deployed by a local exchange telecommunications company under the Business Attraction or Retention Program which has a bandwidth of less than [1.544 megabits per second (Mbps)] minimum broadband bandwidth in the downstream direction shall be counted as a credit toward the local exchange telecommunication company's
broadband deployment obligation under its network
modernization plan amended under subsection (b)(2) or (3).

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(j) Education Technology Program.--

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(4) No later than 90 days after the effective date of
this section, the Department of Education shall prescribe the
grant process and the form and manner of the E-Fund
application. Grants shall be limited to the funds available
in the Education Technology Fund. In awarding grants, the
Department of Education shall give priority to applications:

* * *

(iii) that are submitted by school entities that do
not have broadband service, provided, however, that
nothing in this subsection shall preclude the department
from awarding funds to school entities for
telecommunications services, infrastructure or facilities
that provide bandwidths greater than [1.544 megabits per
second (Mbps)] minimum broadband bandwidth.

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Section 3. This act shall take effect in 60 days.