
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1490 Session of
2007

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STABACK, SURRA AND BRENNAN, JULY 9, 2007

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JULY 9, 2007

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, further providing for duties of the
3 Pennsylvania Public Utility Commission; and providing for
4 Statewide cable franchises and for municipal regulation of
5 franchise holders of Statewide franchises.

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

8 Section 1. Title 66 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 30A

11 STATE-ISSUED CABLE AND VIDEO FRANCHISES

12 Sec.

13 30A01. Short title of chapter.

14 30A02. Declaration of policy.

15 30A03. Definitions.

16 30A04. State authorization to provide cable and/or video
17 service.

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- 1 30A06. Application for Statewide cable franchise.
- 2 30A07. Length of Statewide franchise.
- 3 30A08. Termination of Statewide franchise.
- 4 30A09. Abandonment of service.
- 5 30A10. Access to public rights-of-way.
- 6 30A11. Municipal regulation of franchise holders.
- 7 30A12. Payment and remittance of franchise fee.
- 8 30A13. Public, educational and governmental access channels.
- 9 30A14. Cable operator's community commitment and
10 responsibilities.
- 11 30A15. Deployment requirements for Statewide cable license.
- 12 30A16. Discrimination in provision of service prohibited.
- 13 30A17. Requirement of adequate service and consumer protection.
- 14 30A18. Enforcement.
- 15 30A19. Statewide high-speed broadband assessment and
16 development.

17 § 30A01. Short title of chapter.

18 This chapter shall be known and may be cited as the Consumer
19 Choice Cable Franchising and High-speed Broadband Promotion Act.

20 § 30A02. Declaration of policy.

21 The General Assembly finds and declares as follows:

22 That it is and has been the longstanding policy of this
23 Commonwealth that every resident and business in this
24 Commonwealth has a right to have equal physical and social
25 access to adequate telecommunications services at just and
26 reasonable rates, because universal access to the benefits of
27 telephony is fundamental to effective communication, quality of
28 life, economic development, public safety and security and
29 democratic participation. Telecommunications, however, is
30 undergoing dramatic changes with new technologies driving the

1 ways people communicate with one another. No matter the source
2 or vehicle by which people communicate with each other, the
3 people of this Commonwealth have the right to adequate service
4 at just and reasonable rates. Therefore, all telecommunications
5 services must meet the highest standards of quality, reliability
6 and safety, including protecting and expanding the system of
7 emergency 911 service, which requires sufficient investment in
8 telecommunications infrastructure and, as many years of
9 experience have shown, adequate staffing provided by trained
10 career employees operating under the applicable safety codes and
11 regulations. New cable television services regulation is
12 necessary to:

13 (1) Promote adequate, affordable and efficient cable
14 services to the citizens and residents of this Commonwealth.

15 (2) Promote and encourage the optimum development of the
16 educational, government and community-based service
17 potentials of the cable television medium.

18 (3) Provide just and reasonable rates for cable
19 television service without geographic discrimination.

20 (4) Protect the municipalities of this Commonwealth as
21 to the issuance of consents and agreements for the operations
22 of cable television companies in municipalities and
23 jurisdictions of municipalities.

24 (5) Protect the rights of consumers to access lawful
25 Internet content of their choice, subject to law enforcement,
26 and connect their choice of legal devices that do not harm
27 the network.

28 (6) Cooperate with the Federal Government in promoting
29 and coordinating efforts to regulate cable television
30 effectively and in the public interest.

1 (7) Competition in providing cable services is emerging
2 with the convergence of pre-existing and new technologies for
3 providing voice, video and data services, which results in
4 increased investment in this Commonwealth, lower prices and
5 improved service offerings for consumers.

6 (8) Increased investment in and the potential for
7 competition in the cable service market through the provision
8 of new communications services and deployment of advanced
9 communication infrastructure further enhances economic
10 opportunities and the overall health, safety and welfare of
11 the residents of this Commonwealth.

12 (9) State-issued franchises for providing cable service
13 will promote and facilitate the deployment of advanced
14 technologies and new services ubiquitously to all communities
15 and preserve Pennsylvania's ability to compete in the
16 national and global market place for business and industry
17 and the creation and preservation of jobs.

18 (10) Modifying existing cable service regulation through
19 the enactment of new standards and procedures that provide
20 consumers with access to a competitive, facilities-based
21 cable market that also preserves the municipal authority to
22 maintain and manage public rights-of-way, collect a franchise
23 fee, administer public educational and governmental access
24 channels and ensure that competitive cable services are
25 delivered in a nondiscriminatory manner is warranted in this
26 Commonwealth.

27 (11) Nothing in this act shall be seen to limit or
28 reduce the protection afforded to cable television customers,
29 broadband Internet services customers, telephone customers
30 and customers of advanced communications services generally,

1 and it is in the public interest to ensure that customers
2 continue to be provided a high level of customer protection
3 and customer service in a more competitive market. Therefore,
4 the General Assembly declares that the Commonwealth needs to
5 fundamentally reform broadband Internet access and cable
6 television to provide 21st Century technology to all
7 Pennsylvanians that is safe, reliable and affordable.

8 § 30A03. Definitions.

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

12 "Cable operator." Any person or group of persons who:

13 (1) provides cable service over a cable system and
14 directly or through one or more affiliates owns a significant
15 interest in such cable system; or

16 (2) otherwise controls or is responsible for, through
17 any arrangement, the management and operation of such a cable
18 system, as set forth in section 522(5) of the Cable
19 Communications Policy Act of 1984 (Public Law 98-549, 47
20 U.S.C. § 522(5)).

21 "Cable service." The one-way transmission to subscribers of
22 video programming or other programming service, and subscriber
23 interaction, if any, which is required for the selection or use
24 of such video programming or other programming service and
25 subscriber interaction, if any, which is required for the
26 selection or use of such video programming or other programming
27 service, regardless of the technology utilized by a cable
28 television company to enable such selection or use.

29 "Cable system." Any facility consisting of a set of closed
30 transmission paths and associated signal generation, reception

1 and control equipment that is designed to provide cable service
2 which includes video programming without regard to the
3 technology used to deliver such video programming, including
4 Internet protocol technology or any successor technology and
5 which is provided to multiple subscribers within a community, as
6 set forth in section 522(7) of the Cable Communications Policy
7 Act of 1984 (Public Law 98-549, 47 U.S.C. § 522(7)), but the
8 term does not include:

9 (1) A facility that serves only to retransmit the
10 television signals of one or more television broadcast
11 stations.

12 (2) A facility that serves subscribers without using any
13 public rights-of-way.

14 (3) A facility of a common carrier which is subject, in
15 whole or in part, to the provisions of Title II of the
16 Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. § 201 et
17 seq.), except that such facility shall be considered a cable
18 system other than for purposes of section 541(c) of the Cable
19 Communications Policy Act of 1984 (Public Law 98-549, 47
20 U.S.C. § 541(c)) to the extent such facility is used in the
21 transmission of video programming directly to subscribers,
22 unless the extent of such use is solely to provide
23 interactive on-demand services.

24 (4) An open video system that complies with section 573
25 of the Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. §
26 573).

27 (5) Any facilities of any electric utility used solely
28 for operating its electric utility system.

29 "CATV company." Any person or group of persons who:

30 (1) provides cable service over a cable system and

1 directly or through one or more affiliates owns a significant
2 interest in such cable system; or

3 (2) otherwise controls or is responsible for, through
4 any arrangement, the management and operation of such a cable
5 system.

6 "CATV system." Any facility which receives and amplifies the
7 signals broadcast by one or more television stations and
8 redistributes such signals by wire, cable or other means or
9 which distributes signals it originates or which are originated
10 by another for viewing by subscribers, whether the wire, cable
11 or other facilities are owned or leased. A CATV system shall not
12 include:

13 (1) the poles or other facilities of any telephone
14 corporation used to provide channel service as a common
15 carrier;

16 (2) a system serving not more than 250 subscribers; or

17 (3) a master antenna system servicing subscribers
18 situated on property under common ownership.

19 "Commission." The Pennsylvania Public Utility Commission, or
20 successor agency.

21 "Franchise." An initial authorization, or renewal of an
22 authorization, issued by a franchising authority, regardless of
23 whether the authorization is designated as a franchise, permit,
24 license, resolution, contract, certificate, agreement or
25 otherwise, that authorizes the construction and operation of a
26 cable system in public rights-of-way.

27 "Franchise holder." A person who has received a State-issued
28 certificate of franchise authority but has not transferred or
29 terminated such franchise authorization, in accordance with the
30 provisions of this chapter.

1 "Franchising authority." The commission and municipalities
2 which are entitled to grant franchises and impose fees in
3 accordance with sections 522(10) and 542 of the Cable
4 Communications Policy Act of 1984 (Public Law 98-549, 47 U.S.C.
5 §§ 522(10) and 542).

6 "Gross revenues." Any and all revenues, including cash,
7 credits, property or consideration of any kind or nature arising
8 from, attributable to, or in any way derived directly or
9 indirectly from the operation of the franchisee's cable system,
10 including the studios and other associated facilities, to
11 provide cable services. Gross revenues include, by way of
12 illustration and not limitation, monthly fees charged
13 subscribers for any basic, optional, premium, per-channel, per-
14 program or cable programming service; installation
15 disconnection, reconnection and change-in-service fees; leased
16 channel fees; late fees and administrative fees; payments or
17 other consideration received from programmers for carriage of
18 programming on the system; revenues from rentals or sales of
19 converters or other equipment; any studio rental, production
20 equipment and personnel fees; advertising revenues; barter;
21 revenues from program guides; revenues from the sale or carriage
22 of other cable services; and revenues from home shopping
23 channels and other revenue sharing arrangements. Gross revenues
24 shall include revenues received by an entity other than the
25 franchisee, an affiliate or other entity that operates the
26 system where necessary to prevent evasion or avoidance of the
27 obligation to pay the franchise fee. The term shall not include:

28 (1) amounts not actually received, even if billed, such
29 as bad debt; refunds, rebates or discounts to subscribers or
30 third parties; or revenue imputed from the provision of cable

1 services for free or at reduced rates to any person as
2 required or allowed by law, including, without limitation,
3 the provision of such services to public institutions, public
4 schools, governmental entities or employees, other than
5 forgone revenue chosen not to be received in exchange for
6 trades, barters, services or other items of value; or

7 (2) any revenue from any charges or fees derived from
8 services classified as noncable services and information
9 services and any other revenues attributed by the holder of a
10 certificate of approval or systemwide franchise to noncable
11 services in accordance with the Federal Communications
12 Commission's rules, regulations, standards or orders; amounts
13 billed to and collected from subscribers to recover any tax,
14 fee or surcharge of general applicability imposed by any
15 governmental entity on the holder of a certificate of
16 approval; or a systemwide franchise, including, without
17 limitation, sales and use taxes, gross receipt taxes, excise
18 taxes, utility user taxes, public service taxes,
19 communication taxes and any other fee not imposed. In the
20 case of cable service that may be bundled or integrated
21 functionally with other services, capabilities or
22 applications, the gross revenues shall only include those
23 charges or fees derived from or attributable to the provision
24 of cable service, as reflected on the books and records of
25 the holder of a certificate of approval or a systemwide
26 franchise, as the case may be, in accordance with the rules,
27 regulations, standards and orders of the Federal
28 Communications Commission.

29 "High-speed broadband." A communication channel using any
30 technology and having a bandwidth equal to or greater than two

1 megabits per second (mps) in the downstream direction and equal
2 to or greater than one megabit in the upstream.

3 "Incumbent cable operator." The cable operator serving the
4 largest number of cable subscribers in a particular municipal
5 franchise area on the effective date of this chapter.

6 "Low-income household." A household whose income is 30% of
7 the median household income in this Commonwealth.

8 "Municipality." Cities of the first class, cities of the
9 second class, cities of the second class A, cities of the third
10 class, boroughs, incorporated towns, townships of the first
11 class, townships of the second class and home rule
12 municipalities within this Commonwealth.

13 "Person." An individual, partnership, association, joint
14 stock company, trust, corporation, government entity, limited
15 liability company or any other entity.

16 "Public rights-of-way." The areas on, below or above public
17 roadways, highways, streets, public sidewalks, alleys, waterways
18 or utility easements in which a municipality has an interest.

19 "Service area." For corporations providing
20 telecommunications services, the term includes the entire
21 territory in which the company provides telecommunications
22 service.

23 "Video programming." Programming provided by, or generally
24 considered comparable to programming provided by, a television
25 broadcast station, as set forth in section 522(20) of the Cable
26 Communications Policy Act of 1984 (Public Law 98-549, 47 U.S.C.
27 § 522(20)).

28 § 30A04. State authorization to provide cable and/or video
29 service.

30 (a) General rule.--Notwithstanding any other law to the

1 contrary and subject to the provisions of this chapter, a person
2 seeking to provide cable service in this Commonwealth after the
3 effective date of this chapter may file an application for a
4 Statewide franchise with the commission as required by this
5 section. This section does not preclude cable operators from
6 filing individual applications under this chapter, however, a
7 person seeking to provide cable service in this Commonwealth,
8 whether a Statewide franchise under this section or section
9 30A06 (relating to application for Statewide cable franchise) or
10 a municipal franchise under section 30A11 (relating to municipal
11 regulation of franchise holders) shall be subject to all other
12 provisions of this chapter.

13 (b) Compliance.--A person filing an application for a
14 Statewide franchise with the commission shall be required upon
15 receipt of such franchise to comply with section 30A14(f)
16 (relating to cable operator's community commitment and
17 responsibilities) with regard to all in-State broadband and
18 broadband-capable facilities and lines built during the initial
19 build-out period pursuant to the authorization provided by such
20 franchise and for the period of the initial build-out period
21 with regard to such person's in-State broadband and broadband-
22 capable facilities and lines in existence when such franchise
23 becomes effective.

24 (c) Grandfather provision.--A person including an incumbent
25 cable operator providing cable service under a franchise
26 agreement with a franchising authority which existed prior to
27 the effective date of this chapter is not subject to this
28 section until the franchise agreement expires at the end of its
29 original or any mutually agreeable renewal term, or unless and
30 until the franchising authority and entity providing cable

1 service mutually agree to terminate the existing franchise
2 agreement.

3 (d) Restrictions.--Nothing in this section shall restrict a
4 cable operator from applying to the commission for a Statewide
5 franchise authority to provide cable and/or video service in
6 territories of this Commonwealth.

7 (e) Franchising authority.--The commission shall have the
8 franchising authority to issue Statewide franchises to provide
9 cable service under this chapter. Neither the commission nor any
10 municipality in this Commonwealth may require a franchise holder
11 to obtain any separate or additional franchise or otherwise
12 impose any fee or other requirement, including, but not limited
13 to, the regulation of cable service rates, on any franchise
14 holder as a condition of providing cable service, except as
15 provided in this chapter.

16 § 30A05. Commission responsibilities.

17 (a) General rule.--The commission shall assign existing
18 permanent staff of such legal, technical and other employees of
19 the commission as may be required for the proper conduct of its
20 cable franchising responsibilities under this chapter. The
21 powers and duties of the commission with respect to Statewide
22 franchise shall not exceed those prescribed in this chapter.

23 (b) Power and duties.--The commission shall be responsible
24 for establishing additional administrative procedures not
25 explicitly granted in this chapter for the issuance of a
26 Statewide franchise in accordance with the provisions of this
27 chapter. The commission's administrative powers and duties shall
28 be limited to the provisions found in section 30A06 (relating to
29 application for Statewide cable franchise) and additional
30 powers, including the:

1 (1) development of procedures to submit, review and
2 document applications filed with the commission;

3 (2) review of the initial submission and any updates of
4 the general description of the service area footprint to be
5 served or expanded, including, if applicable, any area within
6 a municipality to be served by an applicant;

7 (3) determination and notice of incomplete applications;

8 (4) approval of applications and amended applications,
9 or denial of such applications within the periods designated
10 under the provisions of this article;

11 (5) issuance to applicants whose applications are
12 approved for Statewide franchises to provide cable service in
13 the service area footprint described in the application; to
14 construct, upgrade, operate or maintain a network capable of
15 providing such service; and to use and occupy the public
16 rights-of-way in the delivery of that service;

17 (6) development of procedures to review and document the
18 transfer or termination of a Statewide franchise;

19 (7) establish regulations to deal with any consumer
20 complaints or complaints alleging violations of any
21 provisions of this chapter. Such regulations shall be easily
22 accessible to Commonwealth residents and shall be posted on
23 the Internet. The commission shall also provide consumer
24 complaint forms on the Internet. In addition to any other
25 authority granted by law, the Office of Consumer Advocate and
26 the Office of Small Business Advocate shall have the
27 authority to represent the interests of consumers under this
28 chapter; and

29 (8) establish procedures for the periodic review of the
30 compliance of Statewide franchises with the rules,

1 regulations and commitments required in this chapter.

2 § 30A06. Application for Statewide cable franchise.

3 (a) General rule.--Any person desiring to provide cable
4 service in this Commonwealth after the effective date of this
5 chapter may file an application for a Statewide franchise with
6 the commission as required by this section.

7 (b) Contents of application.--Applications for a Statewide
8 franchise shall contain and be limited to:

9 (1) A statement that the applicant has filed or will
10 timely file with the Federal Communications Commission all
11 forms required by that agency in advance of offering cable
12 service in this Commonwealth.

13 (2) A statement that the applicant agrees to comply with
14 all other applicable Federal and State statutes and
15 regulations and all generally applicable municipal ordinances
16 and regulations regarding the time, place and manner of using
17 and occupying public rights-of-way adopted in accordance with
18 Federal and State law.

19 (3) A general description of the service area footprint
20 to be served, including, if applicable, any area within a
21 municipality to be served by the applicant. The description
22 may be set forth on one or more maps. If the applicant is a
23 telecommunications carrier or an affiliate of a
24 telecommunications carrier, the service area shall include a
25 description of the territory in which the company provides
26 telephone service. Descriptions of service area footprints
27 shall be updated by the applicant prior to the expansion of
28 cable service to a previously undesignated service area and,
29 upon such expansion, written notice shall be given to the
30 commission of the new service area to be served by the

1 applicant. The State-issued franchise area and any service
2 area within the franchise area may extend beyond the area or
3 areas where the applicant has preexisting authority to occupy
4 the public rights-of-way.

5 (4) The location of the applicant's principal place of
6 business, the names of the applicant's principal executive
7 officers, and the name, address and telephone number of an
8 officer, general partner or other employee of the applicant
9 who will be responsible for ongoing communications with the
10 commission.

11 (5) The name and location of the principal place of
12 business of the applicant's parent company, if any.

13 (6) The signature of an officer or general partner of
14 the applicant verifying the information set forth in the
15 application.

16 (7) Demonstration that the financial, technical,
17 managerial and legal character and other qualifications
18 needed to construct, operate and maintain the necessary plant
19 and to provide service in a safe, adequate and proper manner,
20 including compliance with the act of July 9, 1990 (P.L.340,
21 No.78), known as the Public Safety Emergency Telephone Act.

22 (8) A record of compliance with Federal, State and local
23 laws.

24 (9) Commitment that all installation, maintenance,
25 billing, customer service and associated work related to the
26 provision of cable television service will be performed in
27 this Commonwealth.

28 (10) Additional information as needed by the commission.

29 (c) List of municipalities.--Upon filing an application with
30 the commission for a systemwide franchise agreement pursuant to

1 subsection (b), the applicant shall include a list of the
2 specific municipalities to which CATV service will be provided
3 or extended, the anticipated construction and deployment dates
4 and the anticipated date on which service will be offered and a
5 certified statement that such deployment will meet the
6 requirements of sections 30A15 and 30A16. The applicant shall
7 concurrently provide a copy of the application to each affected
8 municipality.

9 (d) Notification.--Within 15 business days after it receives
10 the application, the commission shall:

11 (1) determine whether an application submitted is
12 incomplete; and

13 (2) if so, the commission shall notify the applicant
14 that the application is incomplete and identify the
15 information that the commission must receive from the
16 applicant to make the application complete.

17 (e) Application decision.--Within 120 days after it receives
18 the completed application, the commission shall approve the
19 application and issue a Statewide franchise to the applicant or
20 deny the application. Within 120 days of the receipt, the
21 commission shall schedule three public hearings to be held in
22 different geographical areas of this Commonwealth to gain public
23 comment in consideration of the application. On or before the
24 expiration of the 120-day period, the commission shall issue an
25 order in writing approving the application if the applicant has
26 complied with the requirements for a Statewide franchise, or the
27 commission shall disapprove the application in writing, citing
28 the reasons for disapproval if the commission determines that
29 the application for a Statewide franchise does not comply with
30 the requirements for a Statewide franchise. The commission may

1 deny the application only if the applicant has failed to state
2 in the application the information and representations required
3 by subsection (b). If the commission denies the application, it
4 must specify with particularity the reason or reasons for the
5 denial, and the applicant may amend its application to cure any
6 deficiency. The commission shall decide upon the amended
7 application within 60 business days of its submission to the
8 commission by the applicant. If the commission denies the
9 application, the commission shall schedule a public meeting with
10 the applicant to explain to the applicant the reasons for the
11 commission's disapproval. The meeting shall be scheduled no
12 later than 30 days following the expiration of the 120-day
13 review period as required by this subsection. The applicant
14 shall have 30 days following the date of the meeting with the
15 commission to file an appeal of the board's decision. The
16 commission shall thereafter schedule an administrative hearing
17 not later than the 30th day following the date of the filing of
18 the applicant's appeal in order to consider the applicant's
19 appeal. The commission shall issue a final decision in written
20 form on the applicant's appeal not later than the 60th day
21 following the administrative hearing, required by this
22 subsection, on the applicant's appeal. After an administrative
23 period an applicant may challenge a denial of its application or
24 amended application in any court of competent jurisdiction.

25 (f) Contents of franchise authorization.--A Statewide
26 franchise authorization shall contain:

27 (1) A grant of a franchise to provide cable service in
28 the service area footprint described in the application, and
29 to construct, upgrade, operate or maintain a network capable
30 of providing such service, except where a network grant is

1 not required to use and occupy public rights-of-way in the
2 delivery of that service.

3 (2) A statement that the franchise grant in paragraph
4 (1) is subject to lawful operation of the cable service by
5 the applicant or its successor in interest.

6 (g) Preexisting authority.--An applicant having preexisting
7 authority to utilize public rights-of-way is required to obtain
8 a Statewide franchise prior to the actual provision of cable
9 service on a commercial basis directly to subscribers. However,
10 such an applicant is not required to obtain a Statewide
11 franchise or any municipality authorization, except for being
12 subject to municipal right-of-way requirements, in order to
13 construct, upgrade, operate or maintain a network that is
14 capable of providing cable service.

15 (h) Nontransferability.--A systemwide franchise issued by
16 the commission shall be nontransferable, except by written
17 consent. In order to grant such consent the commission shall:

18 (1) Develop rules and procedures to ensure that any
19 company applying for a transfer shall meet all Statewide
20 franchisee requirements and commitments included with this
21 chapter.

22 (2) Obtain a commitment from company obtaining the
23 transfer that any collective bargaining agreement entered
24 into by a CATV provider shall continue to be honored, paid or
25 performed to the same extent as would be required if the CATV
26 provider continued to operate under its franchise for the
27 duration of that franchise unless the duration of that
28 agreement is limited by its terms or by Federal or State law.

29 § 30A07. Length of Statewide franchise.

30 A Statewide franchise issued by the commission shall be valid

1 for six years from the date of issuance. Renewal of a Statewide
2 franchise shall be valid for a period of six years from the date
3 of the renewal issuance, and the commission shall establish
4 rules governing the renewal of a Statewide franchise.

5 § 30A08. Termination of Statewide franchise.

6 (a) General rule.--A franchise shall terminate at the
7 expiration of its term or otherwise in accordance with the
8 provisions thereof, unless, prior thereto, the commission
9 otherwise orders.

10 (b) Commission ordering termination.--The commission may
11 order a termination only if it finds, after public notice and
12 opportunity for a hearing, that the franchisee:

13 (1) has committed a material breach of its franchise or
14 any applicable provision of this chapter or of the
15 regulations promulgated under this chapter and has failed,
16 without reasonable justification, to cure said breach within
17 60 days after having received written notice thereof from the
18 commission;

19 (2) has not met the requirements of sections 30A15
20 (relating to deployment requirements for Statewide cable
21 license) and 30A16 (relating to discrimination in provision
22 of service prohibited); or

23 (3) has been adjudicated a bankrupt or has filed a
24 voluntary petition for bankruptcy or reorganization or for an
25 order protecting its assets from the claims of creditors and
26 the commission finds that termination of the franchise or
27 certificate of confirmation under such conditions is in the
28 best interest of the public.

29 (c) Upon termination.--Upon termination of a franchise or
30 certificate of confirmation, the cable operator shall dispose of

1 its facilities in accordance with the provisions of the
2 franchise or certificate. However, on motion of any interested
3 party or upon its own motion, and after public notice and
4 opportunity for hearing, if the commission finds that the
5 continued presence of the facilities in any public thoroughfare
6 would pose a nuisance to the municipality or its residents, the
7 operator shall remove its facilities within such period as the
8 commission shall order. In the absence of any applicable
9 franchise or certificate provision or order by the commission to
10 the contrary, the cable television company may abandon its
11 facilities.

12 § 30A09. Abandonment of service.

13 (a) General rule.--No cable operator may abandon any service
14 or portion thereof without giving six months' prior written
15 notice to the commission and to the franchisor, if any, and to
16 the municipalities it serves.

17 (b) Written consent.--When abandonment of any service is
18 prohibited by a franchise, no cable operator may abandon such
19 service without written consent of the commission. In granting
20 such consent, the commission may impose such terms, conditions
21 or requirements as in its judgment are necessary to protect the
22 public interest.

23 § 30A10. Access to public rights-of-way.

24 (a) General rule.--Municipalities shall allow a franchise
25 holder under this chapter to install, construct and maintain
26 facilities capable of providing cable and/or video service
27 within public rights-of-way within the jurisdiction of the
28 municipality under the same terms and conditions as applicable
29 to public utility corporations under applicable Federal and
30 State law.

1 (b) Nondiscrimination.--No municipality shall discriminate
2 against a franchise holder regarding the authorization or
3 placement of a communications network in public rights-of-way,
4 access to a building or a utility pole attachment term. All
5 municipality public right-of-way requirements applicable to
6 cable operators and video service providers must be
7 competitively neutral, reasonable and nondiscriminatory.

8 (c) Construction permits and licenses.--In the exercise of
9 their lawful regulatory authority, municipalities shall promptly
10 process all valid and administratively complete applications of
11 a franchise holder for a permit or license to excavate, set
12 poles, locate lines, construct facilities, make repairs, affect
13 traffic flow or other similar approvals. The municipality shall
14 make every reasonable effort not to delay or unduly burden the
15 franchise holder in the timely conduct of the holder's business.

16 (d) Expedited response or repair.--In the event of fire,
17 flooding, accident or other exigent circumstances necessitating
18 immediate response work or repair by the franchise holder, the
19 franchise holder may begin the repair or response work without
20 prior approval from the affected municipality, provided,
21 however, that the franchise holder shall notify the municipality
22 as promptly as reasonably possible after beginning the work and
23 shall subsequently obtain any approval required by a municipal
24 ordinance applicable to expedited response or repair work.

25 (e) Indemnity in connection with public rights-of-way.--A
26 franchise holder shall indemnify and hold a municipality and its
27 officers and employees harmless against any and all claims,
28 lawsuits, judgments, costs, liens, losses, expenses, fees,
29 including reasonable attorneys' fees and costs of defense,
30 proceedings, actions, demands, causes of action, liability and

1 suits of any kind and nature, including personal or bodily
2 injury or death, property damage or other harm for which
3 recovery of damages is sought, that is found by a court of
4 competent jurisdiction to be caused solely by the negligent act,
5 error or omission of the franchise holder or any agent, officer,
6 director, representative, employee, affiliate or subcontractor
7 of the franchise holder or their respective officers, agents,
8 employees, directors or representatives, while installing,
9 repairing or maintaining facilities in a municipality public
10 right-of-way. The indemnity provided by this subsection does not
11 apply to any liability resulting from the negligence of the
12 municipality or its officers, employees, contractors or
13 subcontractors. If the franchise holder and the municipality are
14 found jointly liable by a court of competent jurisdiction,
15 liability shall be apportioned comparatively in accordance with
16 the laws of this Commonwealth without, however, waiving any
17 governmental immunity available to the municipality under State
18 law and without waiving any defenses of the parties under State
19 law. This subsection is solely for the benefit of the
20 municipality and the franchise holder and does not create or
21 grant any rights, contractual or otherwise, for or to any other
22 person or entity.

23 (f) Written notice.--A franchise holder and a municipality
24 shall promptly advise the other in writing of any known claim or
25 demand against the holder or the municipality related to or
26 arising out of the holder's activities in a public right-of-way.
27 § 30A11. Municipal regulation of franchise holders.

28 A municipality may:

29 (1) Exercise its nondiscriminatory police power with
30 respect to its public rights-of-way and a franchise holder's

1 use thereof, which may include requiring the holders to
2 provide the municipality with maps showing the location of
3 its cable system and its communications facilities, if any,
4 within the municipality.

5 (2) Receive and mediate cable service quality complaints
6 from a franchise holder's customers within the municipality.

7 (3) Require a franchise holder who is providing cable
8 service within the municipality to register with the
9 municipality, maintain a point-of-contact and provide notice
10 of any franchise authorization transfer to the municipality
11 within 14 business days after the completion of the transfer.

12 (4) Establish reasonable guidelines regarding the use of
13 public, educational and governmental access channels within
14 the municipality in addition to those established under this
15 chapter.

16 (5) Nothing in this title shall be construed to preclude
17 the continued provision or offering of telecommunications
18 services by a political subdivision.

19 § 30A12. Payment and remittance of franchise fee.

20 (a) General rule.--A franchise holder who offers cable
21 service within the jurisdiction of a municipality shall
22 calculate and remit to the municipality at the end of each
23 calendar year quarter a franchise fee as provided in this
24 section. The obligation to calculate and remit the franchise fee
25 to a municipality shall begin immediately upon provision of
26 cable service within that municipality's jurisdiction. However,
27 the first remittance shall not be due until the end of the first
28 calendar year quarter that is at least 180 days after the
29 provision of cable service began.

30 (b) Calculation of franchise fee.--The franchise fee shall

1 be calculated as a percentage of the franchise holder's gross
2 revenues equal to the franchise fee percentage applied by the
3 municipality to the incumbent cable operator in the
4 municipality, or when no incumbent cable operator exists, a
5 percentage agreed to by the holder and the municipality or,
6 absent such agreement, a percentage prescribed by the
7 municipality in an ordinance, provided, however, that the
8 percentage shall not exceed 5%. After the expiration of the
9 incumbent cable operator's franchise, a municipality may, by
10 ordinance, change the percentage applied to the gross revenues
11 of the franchise holder and the incumbent cable operator,
12 provided that after such change the percentage shall not exceed
13 5% and shall apply equally to all cable operators operating
14 within the municipality.

15 (c) Documentation.--No fee under this section will become
16 due until the municipality certifies and provides documentation
17 to the franchise holder supporting the percentage paid by any
18 incumbent cable operator serving the area within the
19 municipality's jurisdiction.

20 (d) Restrictions.--No municipality or any other political
21 subdivision of this Commonwealth may assess any additional fees
22 or charges or other remuneration of any kind from a franchise
23 holder other than as set forth in this section or in section
24 30A13 (relating to public, educational and governmental
25 channels).

26 (e) Application to bundled services.--For purposes of this
27 section, in the case of a cable service that may be bundled or
28 integrated functionally with other services, capabilities or
29 applications, the franchise fee shall be applied only to the
30 gross revenues, as defined in this chapter, attributable to

1 cable service, as reflected on the books and records of the
2 holder in accordance with generally accepted accounting
3 principles and Federal Communications Commission rules,
4 regulations, standards or orders, as applicable.

5 (f) Remittance and review of franchise fee.--The franchise
6 fee shall be remitted to the applicable municipality quarterly,
7 within 45 days after the end of the quarter for the preceding
8 calendar quarter. Each payment shall be accompanied by a summary
9 explaining the basis for the calculation of the franchise fee.
10 Not more than once annually, a municipality may examine the
11 franchise holder's business records to the extent reasonably
12 necessary to ensure compensation in accordance with this
13 section. Each party shall bear the party's own costs of the
14 examination. Any claims by a municipality that compensation is
15 not in accordance with this section, and any claims for refunds
16 or other corrections to a remittance of a franchise holder, must
17 be made within three years and 45 days of the end of the quarter
18 for which compensation is remitted or three years from the date
19 of remittance, whichever is later. Either a municipality or a
20 franchise holder may, in the event of a dispute concerning
21 compensation under this section, bring an action in a court of
22 competent jurisdiction.

23 § 30A13. Public, educational and governmental access channels.

24 (a) General rule.--A franchise holder shall provide
25 municipalities it serves with capacity in its cable service to
26 allow public, educational and governmental (PEG) access
27 channels. For the purposes of this section, PEG channels shall
28 be defined as analog channels of six Mhz bandwidth or the same
29 as any other channel on the basic tier, whichever is greater. In
30 addition to the requirements set forth in this section, the

1 commission may issue additional rules or guidelines regarding
2 PEG access channels. The holder shall provide the same ancillary
3 services to the PEG channels as the incumbent providers.

4 (b) Provisioning of access channels.--The franchise holder
5 shall designate a sufficient amount of capacity on its cable
6 service to allow the provision of a comparable number of PEG
7 access channels or hours of programming that the incumbent cable
8 operator has activated and provided within the municipality
9 under the terms of its franchise agreement as of the effective
10 date of this chapter. If a municipality did not have PEG access
11 channels as of that date, the cable operator shall furnish to
12 the municipality upon request up to three PEG access channels
13 for a municipality with a population of at least 50,000 and up
14 to two PEG access channels for a municipality with a population
15 of less than 50,000. The holder shall have 12 months from the
16 date the municipality requests such PEG access channels to
17 designate the PEG access channel capacity, provided, however,
18 that the 12-month period shall be tolled by any period during
19 which the designation or provision of PEG access channel
20 capacity is technically infeasible, including any failure or
21 delay of the incumbent cable operator to make adequate
22 interconnection available, as required by this section. In
23 cities with a population of 80,000 or more persons, if a system
24 has total activated bandwidth in excess of 862 Mhz then at least
25 two additional PEG channels shall be set aside by the holder,
26 including one for public access.

27 (c) Channel responsibility.--The content and operation of
28 any PEG access channel provided pursuant to this section shall
29 be the responsibility of the municipality receiving the benefit
30 of such channel, and the franchise holder bears only the

1 responsibility for the transmission of such channel, subject to
2 technological constraints. The franchise holder shall be
3 responsible for providing the connectivity, as well as other
4 equipment necessary, to each PEG access channel programming
5 distribution location and for doing so without charge for up to
6 the first 200 feet of the holder's connecting facilities.

7 (d) Transmission of municipal programming.--The
8 municipality, or its designees, must ensure that all
9 transmissions, content or programming to be transmitted over a
10 PEG access channel or facility by a franchise holder are
11 provided or submitted to the franchise holder in a manner or
12 form that is capable of being accepted and transmitted by the
13 franchise holder, without requirement for additional alteration
14 or change in the content by the franchise holder, over the
15 franchise holder's cable service. The municipality's provision
16 of PEG content to the franchise holder shall constitute
17 authorization for the franchise holder to carry such content
18 including, at the franchise holder's option, beyond the
19 jurisdictional boundaries of the municipality.

20 (e) Interconnection.--Each franchise holder and incumbent
21 cable operator shall use reasonable efforts to interconnect
22 their facilities for the purpose of providing PEG access channel
23 programming. Interconnection may be accomplished by direct
24 cable, microwave link, satellite or other reasonable method of
25 connection. Franchise holders and incumbent cable operators
26 shall negotiate in good faith and incumbent cable operators may
27 not withhold interconnection of PEG channels. In the event a
28 franchise holder and an incumbent cable operator cannot reach a
29 mutually acceptable interconnection agreement, then the duty of
30 the holder shall be discharged if the holder makes

1 interconnection available to the channel originator at a point
2 on the franchise holder's network, as determined by the
3 franchise holder.

4 (f) Use of PEG channels.--The PEG channels shall be for the
5 exclusive use of the local entity or its designee to provide
6 public, educational and governmental channels. The PEG channels
7 shall be used only for noncommercial purposes. However,
8 advertising, underwriting or sponsorship recognition may be
9 carried on the channels for the purpose of funding PEG-related
10 activities. The PEG channels shall all be carried on the basic
11 service tier. To the extent feasible, the PEG channel shall not
12 be separated numerically from other channels carried on the
13 basic service tier and the channel numbers for the PEG channels
14 shall be the same channel numbers used by the incumbent cable
15 operator unless prohibited by Federal law. After the initial
16 designation of PEG channel numbers, the channel numbers shall
17 not be changed without the agreement of the local entity unless
18 the change is required by Federal law. Each channel shall be
19 capable of carrying a national television system committee
20 (NTSC) television signal.

21 (g) Content.--The content to be provided over the PEG
22 channel capacity provided pursuant to this section shall be the
23 responsibility of the local entity or its designee receiving the
24 benefit of that capacity, and the holder of a State franchise
25 bears only the responsibility for the transmission of that
26 content, subject to technological constraints.

27 (h) PEG signal and capacity.--The PEG signal shall be
28 receivable by all subscribers, whether they receive digital or
29 analog service, or a combination thereof, without the need for
30 any equipment other than the equipment necessary to receive the

1 lowest cost tier of service. The PEG access capacity provided
2 shall be of similar quality and functionality to that offered by
3 commercial channels on the lowest cost tier of service unless
4 the signal is provided to the holder at a lower quality or with
5 less functionality.

6 (i) Unsatisfied obligations.--After January 1, 2007, and
7 until the expiration of the incumbent cable operator's
8 franchise, if the incumbent cable operator has existing
9 unsatisfied obligations under the franchise to remit to the
10 local entity or its designee any cash payments for the ongoing
11 costs of public, educational and government access channel
12 facilities, the local entity or its designee for the public
13 access channels shall divide those cash payments among all cable
14 providers as provided in this section. The fee shall be the
15 holder's pro rata per-subscriber share of the cash payment
16 required to be paid by the incumbent cable operator to the local
17 entity or its designee community access organization for the
18 costs of PEG channel facilities. All video service providers and
19 the incumbent cable operator shall be subject to the same
20 requirements for recurring payments for the support of PEG
21 channel facilities, whether expressed as a percentage of gross
22 revenue or as an amount per subscriber, per month or otherwise.

23 (j) Local fee for ongoing support.--A local entity shall
24 establish a fee for the ongoing support of the cost of PEG
25 facilities and services that would become effective subsequent
26 to the expiration of any fee imposed by this chapter, provided,
27 however, that no such fee shall be allocated such that any
28 community access organization is receiving anything less than
29 what it is receiving from the cable operator on the effective
30 date of this chapter. If, on December 31, 2007, a local entity

1 or its designee is imposing a separate fee to support PEG
2 channel facilities that is in excess of 2%, that entity or its
3 designee may establish a fee no greater than that separate fee,
4 and in no event greater than 3%, to support PEG activities. If
5 the PEG support fee imposed by a local entity or its designee is
6 expressed in a manner other than as a percentage of gross
7 revenues, the local entity or its designee community access
8 organization may convert that fee to a currently equivalent
9 percentage of gross revenues at any time. The local entity or
10 its designee may adopt requirements for the provision of PEG-
11 related in-kind resources by all cable service providers.

12 (k) Rules governing channel time and facilities.--Rules and
13 regulations adopted by the community access organization shall
14 govern the use of any channel time on the public channels as
15 well as the equipment, facilities and services related to the
16 public channels.

17 (l) Enforcement.--The commission, through an administrative
18 proceeding, shall have the original jurisdiction to enforce any
19 requirements under this section to resolve any dispute regarding
20 the requirements set forth in this section. After the
21 administrative process is exhausted, a court of competent
22 jurisdiction shall have jurisdiction to enforce any requirement
23 under this section or resolve any dispute regarding the
24 requirements set forth in this section, and no cable operator
25 may be barred from the provision of cable service or be required
26 to terminate cable service as a result of such dispute or
27 enforcement action.

28 § 30A14. Cable operator's community commitment and
29 responsibilities.

30 (a) General rule.--Cable operators shall make the following

1 commitments to the communities they serve.

2 (b) Provision of basic service to public institutions.--
3 Cable operators shall install and retain or provide, without
4 charge, one service outlet activated for basic service to any
5 and all fire stations, public schools, police stations, public
6 libraries and other such buildings used for municipal purposes.

7 (c) Provision of Internet service to public institutions.--
8 Cable operators shall provide high-speed broadband Internet
9 service, without charge, through one service outlet activated
10 for basic service to any and all fire stations, public schools,
11 police stations, public libraries and other such buildings used
12 for municipal purposes.

13 (d) Equipment and training.--A cable operator shall provide
14 equipment and training for access users without charge, on a
15 schedule to be agreed upon between the municipality and the CATV
16 company.

17 (e) Return feed.--The CATV company shall provide a return
18 feed from any one location in the municipality, without charge,
19 to the CATV company's headend or other location of
20 interconnection to the cable television system for public,
21 educational or governmental use, which return feed, at a
22 minimum, provides the ability for the municipality to cablecast
23 live or taped access programming, in real time, as may be
24 applicable to the CATV company's customers in the municipality.
25 No CATV company is responsible for providing a return access
26 feed unless a municipality requests such a feed in writing. A
27 CATV company that has interconnected with another CATV company
28 may require the second CATV company to pay for one-half of the
29 CATV company's absorbed costs for extension.

30 (f) Cable operator responsibilities.--Cable operators are

1 responsible to:

2 (1) clearly and conspicuously disclose to users, in
3 plain language, accurate information concerning any terms,
4 conditions or limitations on the broadband network service
5 they offer, the speeds of the download and uploading speeds
6 of the provider's high-speed broadband Internet service;

7 (2) interconnect their facilities with the facilities of
8 other providers of broadband network services on reasonable
9 and nondiscriminatory terms or conditions; and

10 (3) not prohibit a user from attaching or using a device
11 on the provider's network that does not physically damage or
12 materially degrade other users' utilization of the network.

13 § 30A15. Deployment requirements for Statewide cable license.

14 (a) General rule.--As part of any franchise issued by the
15 commission under this chapter, a cable operator shall be
16 required to deploy cable service in their entire service
17 territory.

18 (b) Deployment requirements.--Deployment requirements for
19 cable operators with more than 250,000 or more local exchange or
20 long-distance lines in this Commonwealth:

21 (1) Within three years of the issuance of the Statewide
22 license:

23 (i) The operator shall provide access to its cable
24 service including high-speed broadband Internet service
25 on a commercial basis to a number of households at least
26 equal to 35% of the customer households in the franchise
27 holder's service area.

28 (ii) At least 25% of the households with access to
29 the holder's cable and high-speed broadband Internet
30 service on a commercial basis shall be low-income

1 households.

2 (2) Within six years of the issuance of the Statewide
3 license:

4 (i) the operator shall provide access to its cable
5 and high-speed broadband Internet service on a commercial
6 basis to 70% of the households in its service area; and

7 (ii) at least 30% of the households with access to
8 the holder's cable and high-speed broad band Internet
9 service on a commercial basis shall be low-income
10 households.

11 (3) Within 12 years of the issuance of the initial
12 Statewide license, the operator, if it obtained a franchise
13 renewal, or any transferee shall provide access to its cable
14 and high-speed broadband Internet service on a commercial
15 basis service to all of the households in its service area
16 subject to its line extension policy.

17 (4) After three years of providing service under this
18 subsection, the license holder may apply to the commission
19 for an extension of subsection (b)(1) and (2) if ten percent
20 of the households with access to the operator's cable service
21 have not subscribed to the license holder's cable service for
22 six consecutive months within three years after it begins
23 offering service.

24 (c) Deployment requirements for incumbent cable companies
25 that become Statewide franchise holders.--Incumbent cable
26 companies that become Statewide franchise holders shall not
27 reduce the number or percentage of household served, shall build
28 out to all residential households subject to the operator's line
29 extension policy within three years and shall upgrade their
30 facilities across the entire service area within three years of

1 the date the cable operator upgrades any part of its facilities.

2 (d) Deployment requirements for all other Statewide
3 franchise holders.--Within three years of the issuance of the
4 franchise, all other Statewide franchise holders shall fully
5 complete a system capable of providing cable service to all
6 households within the cable operator's service area, subject to
7 the cable operator's line extension policy.

8 (e) Discrimination by building owners prohibited.--No
9 building owner may discriminate against a telephone company,
10 broadband services or advanced communications company or its
11 ability to provide services to one or more tenants of a
12 multitenant property that is owned or controlled by the building
13 owner, including discriminatory terms and conditions by which
14 the telephone company, broadband services or advanced
15 communications company gains physical access to the property to
16 place its facilities and provide telecommunications services to
17 the property's tenants. The commission shall have jurisdiction
18 to implement the provisions of this subsection by appropriate
19 rules and regulations and to adjudicate administratively
20 disputes arising under this subsection. In no event may the lack
21 of agreement over terms and conditions of access delay the
22 ability of a requesting telecommunications company to obtain
23 access for more than 30 days following an initial request
24 therefore.

25 (f) Annual reports.--All license holders must file annual
26 public reports with the commission and the relevant local entity
27 that shall contain:

28 (1) The total number of actual subscribers in this
29 Commonwealth for the preceding fiscal year.

30 (2) The total number of actual subscribers within each

1 zip code in this Commonwealth for the preceding fiscal year.

2 (3) A description and map of the physical area in which
3 the license holder currently offers video services for the
4 preceding fiscal year.

5 (4) A description and map of the physical area in which
6 the license holder plans to offer video services for the next
7 fiscal year. The license holder is not required to build out
8 to all the described areas indicated to the commission, as
9 long as the provisions of this chapter are being met.

10 § 30A16. Discrimination in provision of service prohibited.

11 (a) General rule.--The franchise holder shall make all
12 efforts to become capable of providing cable service to all
13 households within the designated service area footprint. A cable
14 operator that has been granted a Statewide franchise under this
15 chapter shall not deny access to cable service to any group of
16 potential residential subscribers because of the income or race
17 of the residents in the local area in which such group resides.

18 A franchisee must submit to the commission a development
19 schedule, setting forth the municipalities to be served, the
20 date service shall begin in each proposed municipality, and a
21 date certain by which each community will be able to receive
22 cable service. The commission shall ensure that the build-out
23 process is not discriminatory based on an area's class or race.
24 If deployment of cable services under a Statewide franchise is
25 scheduled for deployment in a given area, the cable operator
26 must offer service to all residents within the geographic area
27 or the commission may terminate the franchise pursuant to
28 section 30A08 (relating to termination of Statewide franchise).

29 (b) Enforcement.--If the commission determines that a cable
30 operator has denied access to cable service to a group of

1 potential residential subscribers because of the income levels
2 of the residents of the local area in which such group resides
3 or has failed to meet the requirements of the section, the
4 commission is authorized to, after conducting a hearing with
5 full notice and opportunity to be heard, impose monetary
6 penalties of not less than \$50,000 nor more than \$100,000 per
7 municipality, not to exceed a total of \$3,650,000 per year for
8 all violations. A municipality in which the provider offers
9 cable service shall be an appropriate party in any such
10 proceeding.

11 § 30A17. Requirement for adequate service and consumer
12 protection.

13 Every cable operator shall provide safe, adequate and
14 reliable service in accordance with applicable laws, regulations
15 and franchise requirements. Cable operators with a Statewide
16 franchise or a franchise issued by a municipality are subject to
17 any customer service standards pertaining to the provision of
18 cable service established by law or regulation. All customer
19 service and consumer protection standards under this section
20 shall be interpreted and applied to accommodate newer or
21 different technologies while meeting or exceeding the goals of
22 these standards. Notwithstanding any other provisions of this
23 chapter, all customer service standards and consumer protection
24 standards shall be interpreted and applied to any cable system
25 operators as defined in this chapter who also provide
26 telecommunications services to any customers in their service
27 territory; and such telecommunications service providers shall
28 be subject to the customer service and consumer protection
29 requirements established in 52 Pa. Code Chs. 63 (relating to
30 telephone service) and 64 (relating to standards and billing

1 practices for residential telephone service) and section
2 3019(b)(2) (relating to additional powers and duties).
3 § 30A18. Enforcement.

4 The exclusive remedy for enforcing the provisions of this
5 chapter, shall be the commission. In addition to any other
6 authority established under law, the Office of Consumer Advocate
7 and the Office of Small Business Advocate shall have the
8 authority to represent the interests of consumers under this
9 chapter.

10 § 30A19. Statewide high-speed broadband assessment and
11 development.

12 (a) General rule.--The Department of Community and Economic
13 Development shall enlist a public-private partnership to
14 implement a comprehensive, Statewide high-speed broadband
15 Internet deployment and adoption initiative with the purpose of:

16 (1) Ensuring that all Commonwealth residents and
17 businesses have access to affordable and reliable high-speed
18 broadband Internet services.

19 (2) Achieving improved technology literacy, increased
20 computer ownership and high-speed broadband Internet use
21 among Commonwealth residents and businesses.

22 (3) Establishing and empowering local technology teams
23 in each county to plan for improved technology use across
24 multiple community sectors.

25 (4) Establishing and sustaining an environment ripe for
26 telecommunications and technology investment Statewide.

27 (b) Private-public partnership to cooperate.--The public-
28 private partnership as set forth in subsection (a) shall include
29 input and cooperation among State agencies and bodies
30 representing economic development, local community development,

1 technology planning, education, health care and other relevant
2 entities. The public entities within the partnership shall
3 collaborate with telecommunications providers, technology
4 companies, telecommunications labor organizations, community-
5 based organizations and relevant private sector entities to
6 achieve the purposes set forth in subsection (a).

7 (c) Requirements.--The high-speed broadband Internet
8 deployment and adoption initiative as set forth in paragraph (2)
9 shall include, but not be limited to:

10 (1) Creating a geographic Statewide inventory of high-
11 speed broadband Internet service and other relevant
12 telecommunications and information technology services. The
13 inventory shall:

14 (i) Identify geographic gaps in high-speed broadband
15 Internet service through a method of geographic
16 information systems (GIS) mapping of service availability
17 and GIS analysis at the census block level.

18 (ii) Provide a baseline assessment of Statewide
19 high-speed broadband Internet deployment in terms of
20 percentage of households with high-speed broadband
21 Internet availability.

22 (iii) Provide updates to these data every six
23 months.

24 (2) Tracking Statewide residential and business adoption
25 of high-speed broadband Internet, computers and related
26 information technology; identifying barriers to adoption; and
27 measuring progress on these data annually.

28 (3) Building and facilitating in each county or
29 designated region a local technology planning team with
30 members representing a cross section of the community.

1 including, but not limited to, representatives of business,
2 telecommunications labor organizations, K-12 education,
3 health care, libraries, higher education, community-based
4 organizations, local government, tourism, parks and
5 recreation and agriculture. Each team shall benchmark
6 technology use across relevant community sectors, set goals
7 for improved technology use within each sector and develop a
8 tactical business plan for achieving its goals, with specific
9 recommendations for online application development and demand
10 creation.

11 (4) Working collaboratively with high-speed broadband
12 Internet providers and technology companies across this
13 Commonwealth to encourage deployment and use, especially in
14 underserved areas, through the use of local demand
15 aggregation, mapping analysis and the creation of market
16 intelligence to improve the business case for providers to
17 deploy.

18 (5) Establishing programs to improve computer ownership
19 and Internet access for disenfranchised populations across
20 this Commonwealth.

21 (d) Contracting with nonprofit.--The Department of Community
22 and Economic Development may contract with a nonprofit
23 organization to accomplish the objectives set forth in this
24 chapter. The organization shall have an established competency
25 in working with public and private sectors to accomplish wide-
26 scale deployment and adoption of telecommunications and
27 information technology.

28 Section 2. This act shall take effect immediately.