

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1490 Session of 2007

INTRODUCED BY EACHUS, DALEY, HARKINS, M. O'BRIEN, PASHINSKI, BELFANTI, GEORGE, JOSEPHS, LEVDANSKY, HORNAMAN, KULA, MCILVAINE SMITH, CURRY, MUNDY, K. SMITH, STABACK, SURRA, BRENNAN, HESS, MAHONEY, GALLOWAY, GERGELY, SWANGER, LEACH, WAGNER, CAPPELLI, J. WHITE, GIBBONS AND PRESTON, JULY 9, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 28, 2008

AN ACT

1 Relating to broadband deployment, mapping and availability.

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

4 SECTION 1. SHORT TITLE.

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5 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE BROADBAND
6 DEPLOYMENT, MAPPING AND AVAILABILITY ACT.

7 Section 2. Declaration of policy.

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8 The following is declared to be the policy of the General
9 Assembly:

10 (1) Broadband availability is a critical factor of
11 economic development to stimulate commerce and increase job
12 creation and retention in this Commonwealth.

13 (2) High-speed Internet access, or broadband, is
14 essential infrastructure that has been proven to stimulate
15 economic development, create jobs and increase property

1 values and tax receipts.

2 (3) The deployment and adoption of broadband technology
3 has resulted in enhanced economic development and public
4 safety, improved health care and educational opportunities
5 and a better quality of life for all Pennsylvanians.

6 (4) A Statewide broadband AND ADVANCED SERVICE inventory <—
7 established in 66 Pa.C.S. Ch. 30 (~~relating to alternative <—~~
8 ~~form of regulation of telecommunications services~~) § 3014(M) <—
9 (RELATING TO NETWORK MODERNIZATION PLANS) is a vital building
10 block to a more informed broadband policy.

11 (5) Improving data collection and mapping of the
12 deployment and adoption of broadband ~~service~~ AND ADVANCED <—
13 SERVICES will assist in identifying any underserved areas and
14 utilizing existing resources to trigger the deployment of
15 broadband AND ADVANCED services in such areas. <—

16 (6) The General Assembly recognizes and encourages
17 complementary State efforts to improve the quality and
18 usefulness of broadband AND ADVANCED SERVICE data collected <—
19 at the Department of Community and Economic Development as
20 required under 66 Pa.C.S. Ch. 30 (RELATING TO ALTERNATIVE <—
21 FORM OF REGULATION OF TELECOMMUNICATIONS SERVICES).

22 (7) The General Assembly continues to encourage and
23 support the established partnership between public and
24 private sectors in the universal deployment of broadband
25 services as mandated under 66 Pa.C.S. Ch. 30 § 3014(C) for <—
26 the residents and businesses of this Commonwealth.

27 Section 2 3. Mapping and report. <—

28 The Department of Community and Economic Development shall
29 work collaboratively with alternative service providers,
30 ADVANCED SERVICE PROVIDERS, broadband service providers and <—

1 information technology companies, as mandated under 66 Pa.C.S.
2 ~~Ch. 30 (relating to alternative form of regulation of~~ <—
3 ~~telecommunications services)~~ § 3014(M) (RELATING TO NETWORK <—
4 MODERNIZATION PLANS) in order to:

5 (1) Maintain and update the Commonwealth's broadband AND <—
6 ADVANCED SERVICE inventory map on its Internet website no
7 less than on a monthly basis to:

8 (i) identify broadband AND ADVANCED service <—
9 penetration levels through a method of geographic
10 information system mapping of service availability;

11 (ii) utilize existing State programs to aggregate
12 demand for the increased deployment of high-speed
13 broadband AND ADVANCED SERVICE in any underserved areas; <—
14 and

15 (iii) provide a baseline and ongoing assessment of
16 Statewide broadband AND ADVANCED SERVICE deployment in <—
17 terms of total households with high-speed broadband
18 availability.

19 (2) UPON DIRECTION BY AND CONSULTATION WITH THE <—
20 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, LOCAL
21 DEVELOPMENT DISTRICTS, AS DEFINED UNDER 66 PA.C.S. § 3012
22 (RELATING TO DEFINITIONS) SHALL BE AUTHORIZED TO ESTABLISH E-
23 COMMUNITY TEAMS TO DEVELOP PROPOSALS FOR ACHIEVING GREATER
24 USE OF TECHNOLOGY IN LOCAL COMMUNITIES AND TO INCREASE THE
25 DEPLOYMENT OF BROADBAND AND ADVANCED SERVICES IN ANY
26 UNDERSERVED COMMUNITIES. THE E-COMMUNITY TEAMS SHALL INCLUDE
27 PROVIDERS OF BROADBAND AND ADVANCED SERVICES, ECONOMIC
28 DEVELOPMENT ORGANIZATIONS, LABOR ORGANIZATIONS AND PROVIDERS
29 OF TECHNOLOGY, EDUCATION AND HEALTH CARE AND MAY ALSO INCLUDE
30 OTHER NONGOVERNMENTAL ENTITIES INTERESTED IN ADVANCING THE

1 GOALS OF THIS ACT.

2 (3) ENCOURAGE PROGRAMS TO IMPROVE COMPUTER OWNERSHIP AND
3 INTERNET ACCESS FOR DISENFRANCHISED POPULATIONS ACROSS THIS
4 COMMONWEALTH.

5 ~~(2)~~ (4) Protect the confidentiality of trade secrets and ~~and~~
6 other proprietary business information of alternative service
7 providers, broadband service providers and information
8 service providers.

9 ~~(3)~~ (5) Issue an annual report to the General Assembly ~~and~~
10 detailing its efforts to map broadband AND ADVANCED SERVICE ~~and~~
11 availability throughout this Commonwealth, identify
12 underserved areas and assist in the increased deployment of
13 high-speed broadband AND ADVANCED services under existing ~~and~~
14 State programs.

15 SECTION 4. CONTRACTING WITH A NONPROFIT. ~~and~~

16 THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT MAY
17 CONTRACT WITH A NONPROFIT ORGANIZATION TO ACCOMPLISH THE
18 OBJECTIVES SET FORTH UNDER SECTION 3(1) AND (3), SUBJECT TO THE
19 CONFIDENTIALITY REQUIREMENTS SET FORTH UNDER SECTION 3(4).

20 Section ~~3~~ 20. Effective date. ~~and~~

21 This act shall take effect immediately.