
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2320 Session of
2018

INTRODUCED BY SNYDER, PICKETT, MACKENZIE, V. BROWN, IRVIN,
BIZZARRO, MATZIE, GOODMAN, PHILLIPS-HILL, NEUMAN, KORTZ,
DAVIDSON AND HANNA, MAY 3, 2018

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 3, 2018

AN ACT

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

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

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

10 § 3012. Definitions.

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

14 * * *

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

1 direction] minimum broadband bandwidth.

2 * * *

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

8 * * *

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

11 § 3014. Network modernization plans.

12 * * *

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

27 * * *

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

30 (i) a request that a minimum of 50 retail access

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

12 * * *

13 (7) No advanced service requested and deployed by a
14 local exchange telecommunications company under the bona fide
15 retail request program which has a bandwidth of less than
16 [1.544 megabits per second (Mbps)] minimum broadband
17 bandwidth in the downstream direction shall be counted as a
18 credit toward the local exchange telecommunications company's
19 broadband deployment obligation under its network
20 modernization plan amended pursuant to subsection (b)(2) or
21 (3).

22 * * *

23 (d) Business attraction or retention program.--

24 * * *

25 (7) No advanced service requested of and deployed by a
26 local exchange telecommunications company under the Business
27 Attraction or Retention Program which has a bandwidth of less
28 than [1.544 megabits per second (Mbps)] minimum broadband
29 bandwidth in the downstream direction shall be counted as a
30 credit toward the local exchange telecommunication company's

1 broadband deployment obligation under its network
2 modernization plan amended under subsection (b) (2) or (3).

3 * * *

4 (j) Education Technology Program.--

5 * * *

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

12 * * *

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

20 * * *

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