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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2637 Session of  
2020

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INTRODUCED BY RABB, KIRKLAND, KINSEY, SANCHEZ, McNEILL,  
HANBIDGE, KENYATTA, McCARTER, GALLOWAY, HILL-EVANS, SCHWEYER,  
DELLOSO, McCLINTON, GAINEY, WEBSTER, KORTZ, OTTEN, ROZZI,  
SCHLOSSBERG, LEE, HOHENSTEIN, CEPHAS AND GREEN, JUNE 29, 2020

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 29, 2020

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AN ACT

1 Providing for emergency lifeline broadband benefit during a  
2 disaster emergency.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Emergency  
7 Lifeline Broadband Benefit Act.

8 Section 2. Definitions.

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

12 "Broadband Internet access service." As defined in 47 CFR  
13 8.1(b) (relating to transparency) or any successor regulation.

14 "Commission." The Pennsylvania Public Utility Commission.

15 "Eligible household." A household that meets the  
16 requirements under section 3(b)(1).

17 "Disaster emergency." A declaration by the Governor of

1 disaster emergency under 35 Pa.C.S. § 7301(c) (relating to  
2 general authority of Governor).

3 "Tier I service." Broadband Internet access service that, at  
4 a minimum, provides a download speed of 100 megabits per second,  
5 an upload speed of 10 megabits per second and latency that is  
6 sufficiently low to allow real-time, interactive applications  
7 with no data caps or additional fees.

8 "Tier II service." Broadband Internet access service that,  
9 at a minimum, provides a download speed of 25 megabits per  
10 second, an upload speed of 25 megabits per second and latency  
11 that is sufficiently low to allow real-time, interactive  
12 applications with no data caps or additional fees.

13 Section 3. Emergency lifeline broadband benefit during disaster  
14 emergency.

15 (a) Promulgation of regulations.--No later than seven days  
16 after the effective date of this section, the commission shall  
17 promulgate regulations for the provision of an emergency  
18 lifeline broadband benefit during a disaster emergency as  
19 provided under this section.

20 (b) Requirements.--The regulations promulgated under  
21 subsection (a) shall establish, at a minimum, that:

22 (1) A household shall be eligible for the provision of  
23 Tier I service or Tier II service, supported by the emergency  
24 lifeline broadband benefit, during a disaster emergency if  
25 the household income is at or below 200% of the poverty line  
26 established by the Federal Office of Management and Budget.

27 (2) A provider of broadband Internet access service  
28 shall apply to the commission for the reimbursement as  
29 provided under subsection (c) for each eligible household  
30 that requests the emergency lifeline broadband benefit and

1 receives Tier I service or Tier II service from the provider.

2 (3) The commission shall, within 24 hours of receiving  
3 notice of the extension of a disaster emergency, post the  
4 notice on the commission's publicly accessible Internet  
5 website.

6 (c) Reimbursement amount.--Consistent with the regulations  
7 promulgated under subsection (a), the commission shall reimburse  
8 providers of broadband Internet access service in the following  
9 amounts:

10 (1) The provider of broadband Internet access service  
11 shall receive up to \$50 per month for each eligible household  
12 that requests the emergency lifeline broadband benefit and  
13 receives Tier I service.

14 (2) The provider of broadband Internet access service  
15 shall receive up to \$30 per month for each eligible household  
16 that requests the emergency lifeline broadband benefit and  
17 receives Tier II service.

18 (d) Certification.--To receive a reimbursement under  
19 subsection (c), a provider of broadband Internet access service  
20 shall certify to the commission the following:

21 (1) The number of eligible households that requested the  
22 emergency lifeline broadband benefit and received Tier I  
23 service:

24 (i) monthly for the duration of the disaster  
25 emergency; or

26 (ii) for each month of the disaster emergency  
27 collectively after the disaster emergency is terminated.

28 (2) The number of eligible households that requested the  
29 emergency lifeline broadband benefit and received Tier II  
30 service:

1           (i) monthly for the duration of the disaster  
2 emergency; or  
3           (ii) for each month of the disaster emergency  
4 collectively after the disaster emergency is terminated.

5           (3) That the reimbursement sought for providing Tier I  
6 service or Tier II service to an eligible household did not  
7 exceed the provider's rate for that offering, or similar  
8 offerings, for households that are not eligible households  
9 subscribing to the same or substantially similar service.

10           (4) That eligible households were not charged for the  
11 Tier I service or Tier II service and were not disqualified  
12 from receiving service based on past or present arrearages.

13 Section 4. Effective date.

14 This act shall take effect in 60 days.