
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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FLEMING AND DALEY, APRIL 8, 2024

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, APRIL 8, 2024

AN ACT

1 Establishing the Affordable Broadband Internet Access Service
2 Program and the Affordable Broadband Internet Access Service
3 Fund.

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

13 CHAPTER 1

14 PRELIMINARY PROVISIONS

15 Section 101. Short title.

16 This act shall be known and may be cited as the Affordable
17 Broadband Internet Access Service Act.

18 Section 102. Definitions.

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

22 "Affordable connectivity benefit." A monthly benefit paid to
23 a participating provider on behalf of an eligible household to
24 be applied to the monthly cost of the broadband Internet access
25 service charged to the eligible household.

26 "Broadband Internet access service." As described in 47 CFR
27 8.1(b) (relating to transparency).

28 "Connected device." A laptop computer, desktop computer or
29 tablet device.

30 "Department." The Department of Community and Economic

1 Development of the Commonwealth.

2 "Eligible household." A household with one or more children
3 between 5 and 18 years of age in which any of the following
4 apply:

5 (1) At least one member of the household has an income
6 at or below 200% of the Federal poverty level for a household
7 of that size.

8 (2) A consumer within the household who is responsible
9 for paying for the broadband Internet access service for the
10 household, or one or more of the dependents of the consumer
11 within the household, is receiving benefits from Medicaid,
12 benefits from the Supplemental Nutrition Assistance Program,
13 benefits from Supplemental Security Income, Federal public
14 housing assistance or veteran and veteran survivor pension
15 benefits.

16 (3) At least one member of the household is approved for
17 benefits under 42 U.S.C. § 1773 (relating to school breakfast
18 program).

19 (4) At least one member of the household is enrolled in
20 a school or school district that participates under 42 U.S.C.
21 § 1759a (relating to special assistance funds).

22 (5) At least one member of the household has received a
23 Federal Pell grant under 20 U.S.C. § 1070a (relating to
24 Federal Pell Grants: amount and determinations; applications)
25 in the current award year.

26 (6) At least one member of the household meets
27 eligibility for a provider's existing low-income program.

28 (7) At least one member of the household receives
29 assistance through the special supplemental nutritional
30 program for women, infants and children established in 42

1 U.S.C. § 1786 (relating to special supplemental nutrition
2 program for women, infants, and children).

3 "Fund." The Affordable Broadband Internet Access Service
4 Fund established under section 501(a).

5 "Income." As defined in section 301(j) of the act of March
6 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

7 "Participating provider." A provider that is designated as
8 an eligible telecommunications carrier under 47 CFR Pt. 54
9 Subpt. C (relating to carriers eligible for universal service
10 support) and elects to participate in the program.

11 "Program." The Affordable Broadband Internet Access Service
12 Program established under section 301.

13 "Provider." A provider of broadband Internet access service.

14 CHAPTER 3

15 AFFORDABLE BROADBAND INTERNET ACCESS SERVICE PROGRAM

16 Section 301. Establishment and purposes.

17 The Affordable Broadband Internet Access Service Program is
18 established within the department to provide:

19 (1) Affordable connectivity benefits.

20 (2) Reimbursements to participating providers that
21 supply an eligible household with a connected device.

22 Section 302. Requests for money under program.

23 (a) Affordable connectivity benefit.--A consumer within an
24 eligible household who is responsible for paying for the
25 broadband Internet access service for the household may request
26 that the participating provider of the consumer waive the
27 broadband Internet access service fees charged to the eligible
28 household and apply for affordable connectivity benefits on
29 behalf of the consumer, in order to reimburse the participating
30 provider for the waived fees.

1 (b) Reimbursement for connected device.--A participating
2 provider that supplies an eligible household with a connected
3 device may request reimbursement from the department in the form
4 of a one-time amount equal to the market value of the device,
5 less the amount charged to and paid by the eligible household,
6 not to exceed \$100 for the connected device.

7 Section 303. Applications.

8 (a) Development of form.--The department shall develop an
9 application form for participating providers to apply for
10 affordable connectivity benefits and reimbursements in
11 accordance with this act.

12 (b) Posting of form.--The department shall post the
13 application form, along with the requirements regarding
14 affordable connectivity benefits and reimbursements specified in
15 this act, on the publicly accessible Internet website of the
16 department.

17 (c) Contents.--A completed application form shall contain
18 the following:

19 (1) The name, address, telephone number and other
20 contact information of the participating provider applying
21 for affordable connectivity benefits or reimbursements.

22 (2) For a request for affordable connectivity benefits:

23 (i) The amount of affordable connectivity benefits
24 for each eligible household for which the participating
25 provider is applying.

26 (ii) The total amount of affordable connectivity
27 benefits for which the participating provider is
28 applying.

29 (3) For a request for reimbursement of connected
30 devices:

1 (i) The amount of reimbursements for each connected
2 device for which the participating provider is applying.

3 (ii) The total amount of reimbursements for which
4 the participating provider is applying.

5 (4) The following documentation, which shall be provided
6 by the participating provider on behalf of the eligible
7 household or by the eligible household directly:

8 (i) The name, address, telephone number and other
9 contact information of each eligible household for which
10 the participating provider is applying for affordable
11 connectivity benefits or reimbursement.

12 (ii) Proof that a household, for which an affordable
13 connectivity benefit or reimbursement for a connected
14 device is claimed, is an eligible household.

15 (iii) For a request for affordable connectivity
16 benefits, a current broadband Internet access service
17 billing statement or monthly invoice supplied to the
18 eligible household by the participating provider, for
19 each eligible household for which the participating
20 provider is applying for affordable connectivity
21 benefits.

22 (iv) For a request for reimbursement of connected
23 devices:

24 (A) The market value of each connected device
25 that is the subject of reimbursement.

26 (B) The amount charged to and paid by each
27 eligible household for the connected device.

28 (v) Any additional documentation deemed necessary
29 and requested by the department.

30 (5) A statement that the information provided by the

1 participating provider that submits a completed application
2 form under this section, including any required accompanying
3 documentation or update of information, is true and correct,
4 to the best knowledge and belief of the participating
5 provider, and that the submittal of any false or misleading
6 information shall subject the participating provider to
7 penalties under 18 Pa.C.S. § 4904 (relating to unsworn
8 falsification to authorities) or applicable Federal or State
9 law.

10 (d) Update of information.--

11 (1) The participating provider shall update the
12 information submitted to the department under this section at
13 least on an annual basis to ensure the maintenance of
14 eligibility requirements under the program.

15 (2) The department may request an update of information
16 submitted to the department under this section at any time.

17 (e) Submittal.--The department shall prescribe the form and
18 manner of submittal of completed application forms.

19 (f) Penalties for false or misleading information.--A
20 participating provider that submits information regarding an
21 application under this section, including any required
22 accompanying documentation or update of information, shall
23 affirm that the information is true and correct, to the best
24 knowledge and belief of the participating provider, and that the
25 submittal of any false or misleading information shall subject
26 the participating provider to penalties under 18 Pa.C.S. § 4904
27 or applicable Federal or State law.

28 Section 304. Review and determination.

29 (a) Authorization.--The department shall review each
30 application submitted under the program and shall determine

1 whether to approve the requested affordable connectivity
2 benefits or reimbursements for connected devices, in whole or in
3 part, in accordance with this act.

4 (b) Notice.--The department shall provide each participating
5 provider that applied for affordable connectivity benefits or
6 reimbursements for connected devices with the following:

7 (1) If the application is approved, notice of the
8 approval, the amount of the affordable connectivity benefits
9 or reimbursements awarded and any conditions regarding the
10 award.

11 (2) If the application is disapproved in whole or in
12 part, notice of the reasons for the disapproval.

13 Section 305. Disbursement of affordable connectivity benefits.

14 (a) Authorization.--

15 (1) Upon approval of affordable connectivity benefits,
16 the department shall disburse the affordable connectivity
17 benefits to the participating provider that applied for the
18 affordable connectivity benefits, for broadband Internet
19 access service fees charged to the eligible household.

20 (2) The department shall make the disbursements under
21 this subsection on a monthly basis or as otherwise prescribed
22 by the department.

23 (b) Amount.--Affordable connectivity benefits shall not
24 exceed \$30 per month for each eligible household.

25 (c) Actions by participating provider.--

26 (1) A participating provider that receives affordable
27 connectivity benefits on behalf of an eligible household may
28 not charge the eligible household any broadband Internet
29 access service fees that represent approved affordable
30 connectivity benefits.

1 (2) If an eligible household has paid a broadband
2 Internet access service fee to a participating provider that
3 is part of approved affordable connectivity benefits on
4 behalf of the eligible household, the participating provider
5 shall, as soon as practicable, reimburse the eligible
6 household the amount of the broadband Internet access service
7 fee.

8 (d) Proof of reimbursement.--Each participating provider
9 shall provide proof of each reimbursement under subsection (c)
10 (2) in the form and manner prescribed by the department.

11 Section 306. Reimbursement for connected devices.

12 (a) Authorization.--Upon approval of a reimbursement for a
13 connected device, the department shall reimburse the
14 participating provider that applied for the reimbursement on
15 behalf of the eligible household.

16 (b) Action by participating provider.--A participating
17 provider that receives a reimbursement for a connected device on
18 behalf of an eligible household shall, as soon as practicable,
19 remit that reimbursement amount to the eligible household or
20 otherwise credit the account of the eligible household, unless
21 the participating provider has previously done so.

22 (c) Proof of remittance.--Each participating provider shall
23 provide proof of each remittance under subsection (b) in the
24 form and manner prescribed by the department.

25 Section 307. Terms and conditions of contract.

26 (a) General rule.--Except as provided in subsection (b), in
27 the case of the unavailability or disapproval of affordable
28 connectivity benefits, an eligible household shall be subject to
29 the same general terms and conditions of a broadband Internet
30 access service contract of a participating provider as other

1 subscribers of the participating provider.

2 (b) Exception.--Notwithstanding subsection (a), an eligible
3 household shall not be required to pay an early termination fee
4 if the eligible household elects to terminate its broadband
5 Internet access service contract due to the unavailability or
6 disapproval of affordable connectivity benefits.

7 Section 308. Retention of information.

8 (a) Time period.--The department shall retain all
9 information regarding a submitted application under this act,
10 including any documentation or update of information, for at
11 least six years from the date that the affordable connectivity
12 benefits were disbursed or reimbursement for a connected device
13 was made.

14 (b) Audit, inspection or investigation.--The information
15 described under subsection (a) shall be subject to any
16 authorized audit, inspection or investigation and shall be made
17 available to any State or local agency with jurisdiction over
18 the participating provider.

19 Section 309. Participation in program.

20 (a) Equal treatment.--Each participating provider shall
21 treat equally all eligible households served by the
22 participating provider in terms of applying for and receiving
23 money under the program.

24 (b) Notice.--Each participating provider shall provide
25 notice of the availability of and eligibility for affordable
26 connectivity benefits and reimbursement of connected devices
27 under the program to all households served by the participating
28 provider. The following apply:

29 (1) The participating provider shall, at a minimum,
30 provide notice through a statement:

1 (i) on a broadband Internet access service billing
2 statement or monthly invoice; and

3 (ii) posted on the publicly accessible Internet
4 website of the participating provider.

5 (2) The notice shall be designed, to the greatest extent
6 possible, to reach those households with individuals with
7 disabilities or that would likely qualify as eligible
8 households.

9 (3) The notice shall be specifically directed, orally or
10 in writing and in a manner accessible to individuals with
11 disabilities, to consumers enrolling in or renewing broadband
12 Internet access service.

13 (4) The notice shall be provided to customers renewing
14 their broadband Internet access service at least 30 days
15 prior to the renewal date.

16 (5) The notice shall be provided annually for those
17 customers with fixed-term plans longer than one month who are
18 not already receiving affordable connectivity benefits or who
19 have not received a reimbursement for a connected device.

20 (6) The notice must include:

21 (i) The requirements for eligibility under the
22 program.

23 (ii) A disclaimer noting that the program is
24 nontransferrable and limited in terms of the amount and
25 frequency of affordable connectivity benefits and
26 reimbursement for a connected device.

27 (iii) Instructions on how to request affordable
28 connectivity benefits or reimbursement for a connected
29 device online and by telephone.

30 (iv) A statement that, upon the termination of the

1 program or disapproval of money under the program, an
2 eligible household shall be subject to the provider's
3 regular rates, terms and conditions regarding broadband
4 Internet access service.

5 Section 310. Public awareness campaign.

6 (a) Requirement.--In collaboration with the department,
7 public interest groups and nonprofit organizations, each
8 participating provider shall deliver an ongoing public awareness
9 campaign in the areas of service of the participating provider,
10 which highlights the value and benefits of broadband Internet
11 access service and the availability of the program.

12 (b) Documentation.--Each participating provider shall retain
13 documentation to demonstrate compliance with subsection (a).

14 Section 311. Disenrollment in program.

15 (a) Notice.--

16 (1) If the department has a reasonable basis to believe
17 that a household that is receiving affordable connectivity
18 benefits is no longer an eligible household, the department
19 shall notify the eligible household and the appropriate
20 participating provider of the impending termination of
21 affordable connectivity benefits under the program.

22 (2) The notice under paragraph (1) shall be in writing
23 and in clear and easily understood language.

24 (b) Response.--A household that receives the notice under
25 subsection (a) shall be allowed 30 days following the date of
26 the notice to provide documentation to the department and
27 participating provider regarding continued eligibility as an
28 eligible household.

29 (c) Authorization.--The department shall disenroll a
30 household that fails to demonstrate eligibility under subsection

1 (b) within five business days after the expiration of the
2 deadline to respond.

3 Section 312. Consumer protection.

4 A consumer who is enrolled in the program shall have the
5 consumer protections afforded under the Telecommunications Act
6 of 1996 (Public Law 104-104, 110 Stat. 56) and the act of
7 December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade
8 Practices and Consumer Protection Law.

9 CHAPTER 5

10 ADMINISTRATION

11 Section 501. Affordable Broadband Internet Access Service Fund.

12 (a) Establishment.--The Affordable Broadband Internet Access
13 Service Fund is established as a nonlapsing fund in the State
14 Treasury.

15 (b) Operation.--

16 (1) All money transferred or otherwise deposited into
17 the fund, including any interest and other earnings on the
18 money in the fund, shall be appropriated to the department on
19 a continuing basis to provide affordable connectivity
20 benefits and reimbursement for connected devices in
21 accordance with this act.

22 (2) Any money remaining in the fund at the end of each
23 fiscal year, including any interest and other earnings on the
24 money in the fund, shall not lapse or otherwise revert to the
25 General Fund but shall remain in the fund.

26 (c) Appropriation.--The General Assembly shall appropriate
27 money to the department for the administration of the fund.

28 (d) Other sources.--

29 (1) The department may solicit and accept money from
30 other sources, including State appropriations, Federal money,

1 grants, donations, gifts and other payments from any source.

2 (2) Money from the other sources shall be deposited into
3 the fund.

4 (e) Disbursement.--Money from the fund shall be disbursed on
5 a first-come, first-served basis determined by the department
6 and until all money in the fund is exhausted.

7 (f) Administrative costs.--A portion of money in the fund,
8 not to exceed 2%, may be retained by the department to cover the
9 administration costs of the program.

10 Section 502. Effect of receipt of money under program.

11 Nothing in this act shall be construed to create an
12 entitlement or a right to benefits as a result of affordable
13 connectivity benefits or reimbursement for a connected device
14 received under the program.

15 Section 503. Reports.

16 (a) Issuance.--No later than one year following the
17 effective date of this subsection, and each year thereafter, the
18 department shall issue an annual report on the program and the
19 fund.

20 (b) Contents.--Each report under this section shall contain
21 a detailed listing of all deposits and expenditures of the fund
22 during the previous fiscal year, including:

23 (1) The number of participating providers.

24 (2) The number of eligible households receiving benefits
25 under the program, by participating provider.

26 (3) The number and amount of affordable connectivity
27 benefits and reimbursements made under the program, by
28 participating provider.

29 (4) The number and amount of affordable connectivity
30 benefits and reimbursements denied in whole or in part under

1 the program and the reasons for the denial, by participating
2 provider.

3 (5) The number of affordability connectivity benefits
4 terminated because of household ineligibility, by
5 participating provider.

6 (6) The money remaining in the fund.

7 (c) Submittal.--The department shall submit each report
8 under this section to:

9 (1) The Governor.

10 (2) The chairperson and minority chairperson of the
11 Communications and Technology Committee of the Senate.

12 (3) The chairperson and minority chairperson of the
13 Consumer Protection, Technology and Utilities Committee of
14 the House of Representatives.

15 Section 504. Rules and regulations.

16 The department shall adopt or promulgate rules or regulations
17 necessary to implement, administer and enforce this act.

18 CHAPTER 7

19 MISCELLANEOUS PROVISIONS

20 Section 701. Effective date.

21 This act shall take effect in 60 days.