

2009 -- H 5276

LC00958

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- RHODE ISLAND BROADBAND STRATEGY COUNCIL

Introduced By: Representatives A Rice, Mattiello, Melo, Ucci, and Walsh

Date Introduced: February 04, 2009

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND
2 CARRIERS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 28

4 RHODE ISLAND BROADBAND STRATEGY COUNCIL

5 **39-28-1. Short title.** – This chapter shall be known and may be cited as the “The Rhode
6 Island Broadband Strategy Council.”

7 **39-28-2. Legislative findings.** – With respect to high-speed Internet services and
8 technology advancement, the general assembly finds the following:

9 (1) The deployment and adoption of high-speed Internet services and technology
10 advancements enhances the economic development and public safety for the state’s communities,
11 while offering improved healthcare, increased educational opportunities and a better quality of
12 life for the state’s residents.

13 (2) Improvements in the deployment and adoption of high-speed Internet services and the
14 strategic inclusion of technology advancements is critical to ensure that a state remains
15 competitive and continues to attract businesses and stimulate job growth.

16 (3) That the state must encourage and support strategic partnerships of public, private,
17 nonprofit, and community-based sectors in the continued growth and development of high-speed
18 Internet services and information technology for state residents and businesses.

1 (4) In light of the importance of broadband deployment to the economy, health, safety,
2 and welfare of the people of Rhode Island, it is essential that the general assembly establish a
3 council capable of developing statewide broadband strategies.

4 **39-28-3. Definition.** – “Broadband” means a high-speed communication system that is
5 capable of originating high quality video, including DVTS, ultra high definition video and HD
6 video conferencing supporting teleconferencing technologies, supporting telework, telehealth,
7 and distance education applications.

8 **39-28-4. Broadband strategy council established.** – The broadband strategy council is
9 an office primarily responsible for encouraging the development and implementation of a high-
10 speed Internet deployment and adoption strategy for the state. The following individuals, or their
11 designees, shall serve as members of the broadband strategy council:

12 (1) The council shall consist of twelve (12) individuals, who will help to establish a
13 strong and diverse representation of the community from the following areas:

14 (i) Education professional such as the state superintendent of education or the chairman
15 of the board of higher education;

16 (ii) One health care provider;

17 (iii) The director of business regulation or his or her designee;

18 (iv) One public safety official;

19 (v) One state government leader;

20 (vi) One housing authority representative;

21 (vii) One public service commission representative;

22 (viii) One representative from the department of transportation;

23 (ix) One local government leaders;

24 (x) One representative from a local labor group;

25 (xi) One technical expert;

26 (xii) One community representative;

27 (2) The office of economic development shall provide administrative and staffing support
28 to the council;

29 (3) Members of the council shall serve without compensation, except for necessary
30 expenses incurred in the performance of their duties. Members shall serve on the council for
31 terms of two (2) years each and no member shall serve for more than two (2) consecutive terms.
32 The administrator of the public utilities commission or his or her designee, and the director of
33 administration or his or her designee, shall be ex-officio members of the council without vote and
34 shall attend its meetings. Any member who fails to attend three (3) consecutive meetings or fifty

1 percent (50%) of all meeting during any calendar year shall be deemed to have resigned. The
2 president of the senate and the speaker of the house of representatives shall jointly choose a
3 chairperson and a vice-chairperson from the membership to act in the chairperson's absence.

4 **39-28-5. Powers and duties of the broadband strategy council.** – (a) The council is
5 responsible for the following duties:

6 (1) To promote affordable broadband access for all while ensuring consumer protections
7 and labor rights, including exploring mechanisms to provide low-income individuals with access
8 to high speed Internet at a reduced cost;

9 (2) To spur the development of high-speed Internet resources in the state, which may
10 include, but is not limited to:

11 (i) Applying for federal grants or soliciting and receiving donations for broadband
12 projects;

13 (ii) Making recommendations to the state regarding telecommunications expansion or
14 improvement initiatives needed in the state;

15 (iii) Establishing technology literacy and digital inclusion programs; establishing low-
16 cost hardware and software purchasing programs; and

17 (iv) Developing loan programs targeting small businesses or businesses located in
18 underserved areas;

19 (3) Be a body capable of applying for available state, federal, and private funding for
20 private and public telecommunications deployment, programs to increase broadband adoption and
21 digital inclusion initiatives;

22 (4) To seek funds to finance projects related to broadband deployment and adoption
23 programs:

24 (i) To establish standards and procedures for its own operations;

25 (ii) To establish standards for determining to whom to award grants; and

26 (iii) To exercise any other power reasonably necessary to carry out its prescribed duties.

27 **39-28-6. Duties of the broadband strategy council.** – (a) The council shall conduct a
28 study regarding the availability and level of technology infrastructure in this state and compare
29 the best practices of developing and using existing technology infrastructure in this state and
30 other states in the United States.

31 (b) In conducting the study required by this section, the council shall consider the
32 resources and technical support available through public and private entities and agencies,
33 including:

34 (1) Institutions of higher education;

- 1 (2) Commissions;
- 2 (3) High technology associations; and
- 3 (4) Organizations that represent the interests of businesses in this state.

4 (c) Not later than September 1, 2010, the council shall prepare and make available to the
5 public a report regarding the findings of the study. The report must:

- 6 (1) Address the current availability and need for technology infrastructure in this state;
- 7 (2) Develop and recommend options and strategies to upgrade technology infrastructure
8 throughout the state;

9 (3) Include strategies that the state will employ to encourage and foster the development
10 of technology cooperation and partnerships among the state, local governments, private
11 businesses, and institutions of higher education;

12 (4) Address the projected level of technology infrastructure in this state if the state does
13 not support, through funding, encouragement, or otherwise:

- 14 (i) The development of new or emerging technology infrastructure;
- 15 (ii) Increased access to existing technology infrastructure; and
- 16 (iii) Enhancements to existing technology infrastructure;

17 (5) Make recommendations regarding the actions the state must take to encourage public
18 and private entities, especially local governments, to improve access to and enhance technology
19 infrastructure.

20 (6) Continually assess and monitor the telecommunications infrastructure of the state for
21 the purpose of determining the present and future needs of the state with respect to realizing the
22 goals of providing affordable high-speed Internet to all and securing the state's
23 telecommunications and economic future. Use either state or FCC collected data to identify and
24 regularly update the geographic gaps in high-speed Internet service.

25 (7) Make recommendations to the legislature regarding strategic broadband initiatives
26 which will improve technology access and adoption in the state.

27 (8) Ensure, where possible, that any infrastructure improvement undertaken by an agency
28 of the state includes the installation of an underground conduit that can be made available to
29 public, private, and non-profit entities interested in running fiber-optic lines for communications
30 or information services through the conduit. If such infrastructure is offered to private entities, it
31 must be offered to these entities in a non-discriminatory fashion.

32 **39-28-7. Creation of digital inclusion working group.** – The council shall create a
33 digital inclusion working group to:

- 34 (1) Undertake a thorough review of grant programs available through the federal

1 government, local agencies, telecommunications providers, and business and charitable entities
2 for the purpose of identifying programs designed to advance digital literacy and computer access.

3 (2) Develop a strategy to support the efforts of community technology programs and
4 community centers throughout the state working to increase digital literacy and digital skills
5 among low-income and underserved populations.

6 (3) Implement mechanisms to encourage local companies and organizations to donate
7 computers, including, waiving recycling costs, to donate refurbished, old computers and
8 peripherals to under-served populations as a means of increasing access to and adoption of
9 broadband technology.

10 (4) Explore using state buying power to negotiate bulk buys from technology suppliers in
11 order to obtain a discount on purchases and making technology more affordable.

12 (5) Analyze how to support public sector and private sector partnerships, the
13 philanthropic community, and other not-for-profit organizations in the community, along with
14 strong relationships with the department of education and higher-level institutions and build a
15 sustainable infrastructure that provides a variety of access alternatives for citizens.

16 (6) Plan for long-term sustainability. Digital inclusion initiatives shall be established as
17 long-term components of a community's offerings to its citizens and an ever-present vehicle to
18 help states meet a variety of economic, health care, environmental and educational goals.

19 **39-28-8. Local broadband projects.** – (a) Nothing in this chapter shall be construed to
20 limit the ability of any or municipality or local government to:

21 (1) Undertake local broadband projects and the provisions of services in connection
22 therewith;

23 (2) Lease infrastructure that it owns or controls;

24 (3) Aggregate customers or demand for broadband services; or

25 (4) Apply for and receive funds or technical assistance to undertake projects to address
26 the level of broadband access available to its business and residents or any similar broadband
27 deployment project.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- RHODE ISLAND BROADBAND
STRATEGY COUNCIL

1 This act would create a broadband strategy council to study and recommend the adoption
2 of high-speed internet services and technology throughout the state for the benefit of the state's
3 citizens and employers.

4 This act would take effect upon passage.

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