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LC001576

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- BROADBAND DEPLOYMENT
AND INVESTMENT ACT

Introduced By: Senators Ujifusa, Lauria, Lawson, Mack, Paolino, Kallman, Bissailon,
Ciccone, Quezada, and Valverde

Date Introduced: February 26, 2025

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 39-28-1 and 39-28-2 of the General Laws in Chapter 39-28 entitled
2 "Broadband Deployment and Investment Act" are hereby amended to read as follows:

3 **39-28-1. Findings.**

4 ~~The Rhode Island general assembly finds that growth and enhancement of services using~~
5 ~~internet protocol technology provide Rhode Island consumers more choice in voice, data, and video~~
6 ~~services than at any other time. The proliferation of new technologies and applications and the~~
7 ~~growing number of providers developing and offering innovative services using internet protocol~~
8 ~~are due in large part to little barrier to investment, including freedom from state laws and~~
9 ~~regulations governing traditional telephone service, that these technologies have enjoyed in Rhode~~
10 ~~Island, as well as recognition that federal law is more uniform in its oversight of internet protocol-~~
11 ~~enabled services. The economic benefits, including consumer choice, new jobs, and significant~~
12 ~~capital investment, will be jeopardized and competition minimized by the imposition of traditional~~
13 ~~state entry, rate, and service term regulation on voice over internet protocol service and internet~~
14 ~~protocol-enabled service. The general assembly finds that the broadband infrastructure which~~
15 ~~delivers Internet connectivity has become essential for the social, physical, and economic well-~~
16 ~~being of all Rhode Islanders. This infrastructure enables critical activities and services across~~
17 ~~numerous sectors that society depends upon including, but not limited to: food delivery, finding~~
18 ~~housing, providing healthcare, education, environmental monitoring, public safety, energy~~

1 monitoring, financial services, operating businesses, and government services. The general
2 assembly must ensure broadband services in Rhode Island are reliable, secure, affordable,
3 accessible, and robust for all residents and businesses alike. In order to meet this objective,
4 information must continue to be collected, analyzed, made publicly available, and used to plan and
5 implement policies that effectively protect and seek to improve broadband service in Rhode Island,
6 including creation of a broadband regulatory authority.

7 **39-28-2. Definitions.**

8 For the purpose of this chapter, the following terms shall have the following meanings:

9 (1) ~~“Voice over internet protocol service” or “VoIP service” means any service that:~~

10 ~~(i) Enables real time, two-way voice communications that originate from or terminate at~~
11 ~~the user’s location in internet protocol or any successor protocol;~~

12 ~~(ii) Uses a broadband connection from the user’s location; and~~

13 ~~(iii) Permits users generally to receive calls that originate on the public switched telephone~~
14 ~~network and to terminate calls to the public switched telephone network.~~

15 “Broadband” means high-speed Internet access that provides a continuous, reliable
16 connection currently defined by the Federal Communications Commission (FCC). Broadband can
17 be delivered through technologies such as optical fiber, coaxial cable, fixed wireless, satellite, or
18 cellular networks.

19 (2) ~~“Internet protocol enabled service” or “IP enabled service” means any service,~~
20 ~~capability, functionality, or application provided, except that as provided in subsection (1), using~~
21 ~~internet protocol, or any successor protocol, that enables an end user to send or receive a~~
22 ~~communication in internet protocol format or any successor format.~~

23 “Internet” means a global network of interconnected computer systems and servers that
24 communicate using Internet protocol (IP) or its successors, enabling the transmission of data, voice,
25 video, and multimedia content. It supports a wide variety of services, including web browsing,
26 email, file sharing, voice over Internet protocol (VoIP), streaming, messaging, and other digital
27 communications and content access.

28 SECTION 2. Sections 39-28-3, 39-28-4, 39-28-5 and 39-28-6 of the General Laws in
29 Chapter 39-28 entitled "Broadband Deployment and Investment Act" are hereby repealed.

30 **39-28-3. Regulation.**

31 ~~Notwithstanding any general or public law to the contrary, and with the exception of the~~
32 ~~provisions of § 39-28-4, no department, agency, commission, or political subdivision of Rhode~~
33 ~~Island shall enact, adopt, or enforce, either directly or indirectly, any law, rule, regulation,~~
34 ~~ordinance, standard, order, or other provision having the force or effect of law that regulates, or has~~

1 ~~the effect of regulating, the entry, rates, terms, or conditions of VoIP service or IP-enabled service.~~

2 ~~**39-28-4. Unaffected fees.**~~

3 ~~Nothing in this act shall be construed to affect, mandate, or prohibit the assessment of~~
4 ~~nondiscriminatory enhanced 911 fees, telecommunications relay service fees, or the~~
5 ~~telecommunications education access fund surcharge under § 39-1-61.~~

6 ~~**39-28-5. Rights or obligations of carriers.**~~

7 ~~Nothing in this act shall be construed to modify or affect the rights or obligations of any~~
8 ~~carrier pursuant to 47 U.S.C. § 251 or 47 U.S.C. § 252.~~

9 ~~**39-28-6. Effect on tax obligations or authority.**~~

10 ~~Nothing in this act shall be construed to modify or affect any tax obligations imposed by §~~
11 ~~44-13-4 or the authority of the department of revenue to enforce any such obligations.~~

12 SECTION 3. Chapter 42-64 of the General Laws entitled "Rhode Island Commerce
13 Corporation" is hereby amended by adding thereto the following section:

14 **42-64-43. Corporation requirements.**

15 The commerce corporation ("corporation") shall implement the following requirements.

16 (1) Data collection and mapping.

17 (i) Each Internet service provider (ISP) providing service in Rhode Island shall submit
18 information to the commerce corporation, in a form and manner prescribed by the corporation, to
19 support the maintenance of a statewide broadband map, which shall include for each broadband
20 serviceable location (BSL), by geographic area served by a provider in Rhode Island:

21 (A) Maximum advertised download and upload speeds;

22 (B) Type of transmission technology used to provide the service such as fiber, cable, DSL,
23 satellite; and

24 (C) The number of broadband connections and consumer subscriptions for each
25 combination of advertised download and upload speeds and transmission technology.

26 (ii) In consultation with other state agencies as deemed appropriate, the corporation shall
27 develop and maintain an up-to-date broadband map that shows the availability and adoption of
28 broadband services across the state. This map shall include data on download and upload speeds
29 available to each BSL and shall be regularly updated to reflect changes in broadband service
30 availability, technology, and consumer adoption. The corporation shall use credible and relevant
31 data provided by broadband providers, state agencies, political subdivisions of the state, speed tests,
32 and other third parties, including consumers, in the development and maintenance of the map.

33 (iii) The corporation shall use the broadband map to identify underserved and unserved
34 areas of the state and to facilitate planning and implementation of broadband programs and

1 initiatives.

2 (iv) The corporation shall use the data collected to provide guidance to broadband providers
3 seeking to expand services in underserved and unserved areas and shall collaborate with state and
4 local authorities to remove barriers to broadband infrastructure development.

5 (v) All state agencies and political subdivisions of the state shall provide any information
6 requested by the corporation to assist in the development and maintenance of the broadband map
7 and other work authorized by this section.

8 (2) With regard to confidentiality and protection of trade secrets, any information submitted
9 by private parties may be submitted in aggregated form necessary to protect confidentiality, and
10 shall be protected as required by the provisions of chapter 48.1 of title 6 (The Rhode Island data
11 transparency and privacy protection act). Information claimed to be a “trade secret” by private
12 parties shall meet requirements set forth in chapter 41 of title 6 (the uniform trade secrets act).

13 (3) With regard to transparency, on or before December 1, 2025, and annually thereafter,
14 the corporation shall update and publish the broadband map on its official website. The map shall
15 be accessible to the public and include detailed information on broadband availability, speeds,
16 transmission technology, and adoption rates across Rhode Island.

17 (i) Internet service providers (“ISPs”) shall report to the Rhode Island commerce
18 corporation within forty-eight (48) hours of the occurrence and keep a five (5) year record of service
19 outages affecting one hundred (100) or more customers or lasting four (4) or more hours. These
20 reports and records shall include: cause (if known), affected areas, number of customers, restoration
21 time, mitigation, and consumer compensation.

22 (ii) The corporation shall publish a summary of outage data annually on its website.

23 (4) With regard to a regulatory plan, within one year from the effective date of this section,
24 the corporation shall develop and submit a detailed plan to the governor and the general assembly
25 regarding the creation of a broadband regulatory authority. The plan shall include, but not be limited
26 to, the following components:

27 (i) The mission, authority, and responsibilities of the regulatory agency, which shall include
28 oversight of broadband planning, deployment, service quality, consumer protections, and equitable
29 access;

30 (ii) Recommendations for the organizational structure and staffing of the agency;

31 (iii) A framework for collaboration between the corporation and other state, local, and
32 federal entities involved in broadband expansion and regulation;

33 (iv) Proposed funding mechanisms to support the agency’s operations and activities; and

34 (v) A timeline for the establishment of the agency, including any legislative actions

1 necessary for its formation.

2 (5) With regard to funding, to fund the data collection and other activities required under
3 this section, the corporation shall collect fees from ISPs operating in Rhode Island. The amount of
4 the fee shall be determined by the corporation based on the total cost of administering this program.
5 Each ISP shall pay a fee proportional to the revenue it generates from providing broadband services
6 to customers in Rhode Island. Fees shall be due within sixty (60) days of notification by the
7 corporation.

8 (6) With regard to enforcement, failure to submit accurate or timely data or fees as required
9 by this section shall be subject to penalties, including fines, determined by the corporation,
10 suspension of participation in state grant programs, and restrictions on future projects supported by
11 state funding.

12 (7) The corporation shall promulgate rules and regulations as it deems necessary for the
13 implementation of this section.

14 (8) If any subsection or provision of this section shall be determined to be invalid or
15 unconstitutional, the remaining provisions and subsections shall be deemed severable and shall
16 remain in full force and effect.

17 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require the constant updating of information to accommodate changes in
2 broadband technology. The act would also direct the Rhode Island commerce corporation to
3 implement new data collection and mapping of broadband availability, provide protections for
4 certain submitted data, and direct the corporation to collect fees from Internet service providers
5 operating in Rhode Island to fund the data collection required by the act. The act would further
6 require the corporation to submit a detailed plan to the governor and general assembly regarding
7 the creation of a broadband regulatory authority.

8 This act would take effect upon passage.

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