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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND  
BROADBAND DEVELOPMENT PROGRAM

Introduced By: Representatives Ruggiero, Abney, Kennedy, Craven, Carson, Cortvriend,  
Kazarian, McGaw, Solomon, and Fogarty

Date Introduced: January 12, 2022

Referred To: House Innovation, Internet, & Technology

It is enacted by the General Assembly as follows:

1 SECTION 1. The general assembly hereby finds that:

2 (1) Decades ago, our nation created infrastructure programs for electricity, telephone, and  
3 highways. Currently, an infrastructure program for broadband is essential because fiber-optic cable  
4 is much more reliable, faster, and will conceivably carry Rhode Island into the next thirty (30)  
5 years.

6 (2) Historical data indicates that usage and the future requirements of bandwidth will  
7 double every three (3) years. High-speed Internet usage will dramatically increase in the  
8 foreseeable future. Today's businesses utilize numerous connected devices and require a reliable  
9 connection to operate successfully. Additionally, upload speeds will greatly need to increase as  
10 more essential services are increasingly online to include: job applications; municipal building  
11 permits; Health Source RI enrollment; SNAP benefits; vehicle registration; telehealth; and  
12 interactive on-line conference meetings.

13 (3) The term "broadband" has evolved over time as the need for faster speeds and greater  
14 bandwidth continues to expand. Broadband, or high-speed Internet, has been defined by the Federal  
15 Communications Commission (FCC) as Internet service with speeds of at least twenty-five  
16 megabits per second (25 Mbps) download and three megabits per second (3 Mbps) upload (25/3  
17 Mbps). Traditional Internet speed is woefully inadequate for multiple devices at one location for  
18 present and evolving future consumer needs. Currently, federal rulemaking is defining the

1 broadband standard as one hundred megabits per second (100 Mbps) download and twenty  
2 megabits per second (20 Mbps) upload (100/20 Mbps). This Internet speed is essential, especially  
3 when it comes to accessing federal dollars for broadband.

4 (4) US News.com reports that Rhode Island is ranked 37<sup>th</sup> for high-speed Internet access  
5 and ranked 49<sup>th</sup> in the country for access to faster, more advanced Gigabit Internet connections.

6 (5) Fixed wireless can be deployed quickly as a temporary, lower performance Internet  
7 service that is limited in broadband speeds by the availability of spectrum and weather conditions  
8 since it travels in the atmosphere from fixed attachments such as utility poles and serves several  
9 hundred subscribers. Fixed wireless has a four (4) to six (6) year lifecycle and cannot keep pace  
10 with increased requirements for bandwidth.

11 (6) Fiber-to-the-premises is a future proof "DO IT ONCE, DO IT RIGHT" option for long-  
12 term future market demand, typically offered at a symmetrical one gigabit per second (1 Gbps) up  
13 to ten gigabits per second (10 Gbps), with the technology scalable as the endpoint electronics  
14 improve. Fiber-optic cable does have a high initial capital cost to deploy; however, fiber-optic cable  
15 has much lower operating costs, is more resilient, and is a superior investment to serve the  
16 increasing market demands for high speeds needed by consumers and businesses over the next  
17 several decades.

18 (7) Fiber-optic technology plays an integral role in remote learning, small business,  
19 telehealth, public safety and emergency communication, and economic development. COVID-19  
20 has proven the need for dedicated high-speed, fiber-optic technology.

21 (8) While complementary, wireless broadband solutions alone cannot meet the enormous  
22 demand placed upon the communication networks to keep Rhode Island competitive in the 21st  
23 century. Wireline broadband via fiber-optic technology is laser transmitted and can be designed to  
24 operate in the event of electrical power interruptions and is more resilient to extreme weather  
25 events. Should there be inclement weather or a major power outage, Internet service can seamlessly  
26 continue to operate.

27 (9) The telecommunications industry has been using fiber-optic cable for the past forty (40)  
28 years. Any effective fifth generation (5G) wireless network requires a fiber-optic backbone.

29 (10) Because of the size of Rhode Island, the state has more fiber-optic cable per square  
30 mile than any other state in the country. Over forty-eight (48) strands of fiber-optic cable run  
31 throughout the state, yet less than ten (10) strands are being used and only by hospitals, colleges,  
32 universities, libraries, municipal facilities, and schools.

33 (11) Rhode Island is one of only two (2) states in the country that does not have a broadband  
34 administrator, coordinator or entity since Broadband Rhode Island was disbanded in 2014. Since

1 then, Rhode Island has missed out on federal technology dollars because it is one of only two (2)  
2 states without a broadband administrator to access federal dollars.

3 (12) Other New England states have a broadband entity or administrator housed in either  
4 Economic Development/Commerce (MA, NH), or Consumer Council (VT, CT).

5 (13) In light of a new federal administration and renewed funding, the Rhode Island  
6 Broadband Development Program must be positioned to access federal funding, address issues of  
7 high- speed access, and leverage economic development opportunities in a 21st century economy.

8 (14) Rhode Island needs a statewide broadband strategy to create the on/off ramps to  
9 connect Rhode Island residents and businesses to the forty-eight (48) strands of fiber-optic  
10 technology that run throughout this state. This strategy shall include creating a modern network in  
11 order that residential and business customers can experience gigabit service, create competition by  
12 making pricing affordable with Internet service provider (ISP) choices, and bridge the digital divide  
13 in rural areas or where telecommunication providers choose not to service.

14 (15) It is estimated and anticipated that The American Rescue Plan Act (ARPA), Pub L.  
15 No. 117-2, and the Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58, shall  
16 authorize over two hundred million (\$200,000,000) in federal dollars to be awarded to the state of  
17 Rhode Island for broadband expenditures. To ensure public confidence, the allocation, distribution,  
18 and use of these federal dollars for any technology investments in the state whether public,  
19 municipal, nonprofit, and private must be transparent and fully disclosed.

20 (16) It is imperative that all stakeholders, including public, nonprofit, and private work  
21 together to ensure that "unserved" neighborhoods in urban and rural areas, as well as "under-served"  
22 businesses and residents in the East Bay and Newport County have fast, affordable, reliable fiber  
23 broadband that will scale presently and for the foreseeable future. This includes at a minimum,  
24 municipal broadband programs leveraging federal dollars for cities or towns that apply and are  
25 awarded such grants from the Rhode Island Commerce Corporation, the state's economic  
26 development agency.

27 SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
28 GOVERNMENT" is hereby amended by adding thereto the following chapter:

29 CHAPTER 162

30 THE RHODE ISLAND BROADBAND DEVELOPMENT PROGRAM

31 **42-162-1. Short title.**

32 This chapter shall be known and may be cited as the "Rhode Island Broadband  
33 Development Program".

34 **42-162-2. Statement of intent and purpose.**

1           (a) The intent and purpose of this program is to have appointed a broadband administrator  
2 and to establish a broadband advisory council that will develop a broadband strategic plan that  
3 includes evaluation of proposals for adoption of future innovative technologies to deploy fiber  
4 broadband to residents, businesses, and municipalities for the foreseeable future. High-speed  
5 Internet connectivity is integral to everyday life. Future public policy must ensure that fast,  
6 affordable, reliable, and resilient high-speed Internet is available to all Rhode Island citizens.

7           (b) It is the intent of the general assembly that the administrator and broadband advisory  
8 council shall communicate and make transparent the allocation and execution of all federal dollars  
9 for private, nonprofit, public, municipal, or other governmental use in the adoption and  
10 implementation of fiber broadband.

11           **42-162-3. Definitions.**

12           As used in this chapter, the following words shall have the following meaning:

13           (1) "Broadband" means a laser high speed and high capacity transmission technique using  
14 a wide range of frequencies to include, but not be limited to, transmission over strands of fiber-  
15 optic cable.

16           (2) "Broadband administrator" or "administrator" means the broadband administrator  
17 designated pursuant to the provisions of § 42-162-4.

18           (3) "Broadband council" or "council" means the broadband council established pursuant to  
19 the provisions of § 42-162-5.

20           (4) "Sustainable adoption" means the ability for communications and Internet service  
21 providers to offer broadband services in all areas of the state by encouraging adoption and  
22 utilization levels that allow for these services to be offered in the free market absent the need for  
23 governmental subsidy.

24           (5) "Underserved" means a geographic area of the state in which there is no provider of  
25 broadband Internet service that offers dedicated Internet access with a capacity for transmission at  
26 a consistent speed of at least one hundred megabits per second downstream (100 Mbps) and at least  
27 twenty megabits per second upstream (20 Mbps). Subject to adjustment as technology evolves,  
28 upload/download speeds will be adjusted for dedicated Internet access and not "best efforts".

29           **42-162-4. Broadband administrator.**

30           An employee of the Rhode Island commerce corporation ("commerce corporation") shall  
31 be designated by the secretary of commerce as the broadband administrator. The broadband  
32 administrator shall be responsible for communicating with federal agencies such as the National  
33 Telecommunications and Information Administration (NTIA) to access federal funds for  
34 broadband programs to include, but not be limited to, for municipal broadband pilot programs and

1 future economic development. The broadband administrator shall meet quarterly with the  
2 broadband council. The broadband administrator shall perform such other duties as assigned by the  
3 secretary.

4 **42-162-5. Broadband council established.**

5 (a) There is hereby established a broadband council for the purpose of performing the  
6 duties enunciated in § 42-162-6.

7 (b) The council shall consist of the following twelve (12) members:

8 (1) Rhode Island emergency management administrator, or designee;

9 (2) Rhode Island League of Cities and Towns administrator, or designee;

10 (3) Department of the public utilities administrator, or designee;

11 (4) Office of Library and Information Services, or designee;

12 (5) OSHEAN's chief operating officer, or designee;

13 (6) Rhode Island department of transportation director, or designee;

14 (7) Rhode Island infrastructure bank administrator, or designee;

15 (8) Representative of a cable company appointed by the president of the senate;

16 (9) Representative of a fiber broadband company appointed by the speaker of the house;

17 (10) The executive director of the George Wiley Center, or designee;

18 (11) Telecommunications attorney appointed by the governor; and

19 (12) Rhode Island commerce corporation chief executive officer; or designee.

20 (c) Members of the council shall designate a chairperson.

21 (d) Members of the council shall serve without compensation.

22 (e) Vacancies shall be appointed in the same manner as the original appointment.

23 **42-162-6. Duties and powers of broadband council.**

24 (a) The council, in the performance of its duties, shall do all of the following:

25 (1) Create a strategic plan that has goals and strategies for increasing the use of broadband  
26 Internet service in the state. The plan shall include a mapping process to review and verify public  
27 input regarding transmission speeds and availability of broadband Internet service throughout the  
28 state;

29 (2) Build and facilitate local technology planning teams or partnerships with members  
30 representing cross-sections of the community, which may include, but are not limited to,  
31 representatives from the following organizations and industries: libraries, kindergarten through  
32 grade twelve (K-12) education, colleges and universities, local health care providers, private  
33 businesses, community organizations, economic development organizations, local governments,  
34 tourism, parks and recreation, and agriculture;

1 (3) Encourage the use of broadband Internet service, especially in the rural, unserved, or  
2 underserved communities of the state through effective strategies to facilitate the statewide  
3 deployment of broadband Internet services to include, but not be limited to, the following:

4 (i) Provide information and advice to increase access to broadband education, awareness,  
5 training, access, equipment, and support to libraries, schools, colleges and universities, health care  
6 providers, and community support organizations;

7 (ii) Encourage the sustainable adoption of broadband in primarily underserved areas by  
8 recommending proposed legislation to the general assembly removing barriers to entry;

9 (iii) Work toward encouraging municipal investments in establishing affordable and  
10 sustainable broadband Internet service; and

11 (iv) Facilitate the development of applications, programs, and services, including, but not  
12 limited to, telework, telemedicine, and e-learning to increase the usage of, and demand for,  
13 broadband Internet service in the state; and

14 (4) Monitor, participate in, and provide input in proceedings of the Federal  
15 Communications Commission and other federal agencies related to the geographic availability and  
16 deployment of broadband Internet service in the state as necessary to ensure that this information  
17 is accurately presented and that rural, unserved, and underserved areas of the state are best  
18 positioned to benefit from federal and state broadband deployment programs.

19 (b) The council may work in collaboration with the commerce corporation and other quasi-  
20 public and nonprofit entities and state agencies, and may provide advisory assistance to local  
21 entities, local authorities, public bodies and private corporations for the purposes of maximizing  
22 opportunities for the expansion of broadband access in the state and fostering innovative  
23 approaches to broadband access in the state.

24 **42-162-7. Funding.**

25 In addition to any appropriations by the state for the council to perform its duties, the  
26 broadband administrator shall apply for and accept any federal funds or grants to perform the  
27 functions of this chapter.

28 **42-162-8. Administrative support to council.**

29 The broadband council shall be administratively attached to the Rhode Island commerce  
30 corporation established pursuant to chapter 64 of title 42. The Rhode Island commerce corporation  
31 shall be responsible for providing support services to the council.

32 **42-162-9. Meetings and reporting.**

33 The council shall meet at least quarterly and shall report at least quarterly to the general  
34 assembly on its findings and recommendations to include, but not be limited to, recommendations

1 [for proposed legislation to further the purposes of this chapter.](#)

2 SECTION 3. This act shall take upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND  
BROADBAND DEVELOPMENT PROGRAM

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1           This act would establish a twelve (12) member broadband council to create a plan to  
2 increase the use of broadband service in the state. A broadband administrator would be designated  
3 within the Rhode Island Commerce Corporation to access federal funds and coordinate with the  
4 council.

5           This act would take effect upon passage.

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