

2021 -- H 5148 SUBSTITUTE A

LC000080/SUB A/3

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

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

Introduced By: Representatives Ruggiero, Blazejewski, Kazarian, Cortvriend, Carson,
McGaw, and Morales

Date Introduced: January 25, 2021

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 160

4 THE RHODE ISLAND BROADBAND DEVELOPMENT PROGRAM

5 **42-160-1. Legislative findings.**

6 The general assembly hereby finds that:

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

10 (2) Broadband is not wireless. Broadband fiber-optic is laser transmitted at the speed of
11 light; broadband fiber-optic does not require electricity which means that if electrical power is
12 interrupted due to inclement weather or a major power outage, Internet service continues.

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

15 (4) Because of the size of Rhode Island, the state has more fiber-optic cable per square mile
16 than any other state in the country. Over forty-eight (48) strands of fiber-optic cable run on
17 telephone poles throughout the state, yet less than ten (10) strands are being used and only by
18 hospitals, colleges, universities, libraries, and schools.

1 (5) Rhode Island is one of only two (2) states in the country that does not have a broadband
2 coordinator or entity since Broadband Rhode Island was disbanded in 2014. Since then Rhode
3 Island has missed out on hundreds of thousands of federal technology dollars because it is one of
4 only two states without a broadband coordinator to access federal dollars.

5 (6) Other New England states have a broadband entity or coordinator housed in either
6 Economic Development/Commerce (MA, NH), or Consumer Council (VT, CT).

7 (7) In light of a new federal administration and renewed funding, Broadband Technology
8 Opportunities Program (BTOP) Rhode Island must be positioned to access federal funding, address
9 issues of high- speed access, and leverage economic development opportunities in a 21st century
10 economy.

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

17 **42-160-2. Definitions.**

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

19 (1) "Broadband" means a laser high speed and high capacity transmission technique using
20 a wide range of frequencies to include, but not limited to, transmission over strands of fiber optic.

21 (2) "Broadband coordinator" or "coordinator" means the broadband coordinator designated
22 pursuant to the provisions of § 42-160-3.

23 (3) "Broadband council" or "council" means the broadband council established pursuant to
24 the provisions of § 42-160-4.

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

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

33 **42-160-3. Broadband coordinator.**

34 An employee of the Rhode Island commerce corporation (Commerce RI) shall be

1 designated by the secretary of commerce as the broadband coordinator. The broadband coordinator
2 shall be responsible for connecting and communicating with the National Telecommunications and
3 Information Administration (NTIA) to access federal funds for municipal broadband pilot
4 programs and future economic development. The broadband coordinator shall meet quarterly with
5 the broadband council. The broadband coordinator shall perform such other duties as assigned by
6 the secretary.

7 **42-160-4. Broadband council established.**

8 (a) There is hereby established a broadband council for the purpose of performing the
9 duties enunciated in § 42-160-5.

10 (b) The council shall consist of the following eleven (11) members:

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

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

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

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

15 (5) OSHEAN administrator, or designee;

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

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

18 (8) Providence Chamber of Commerce administrator, or designee;

19 (9) Newport Chamber of Commerce administrator, or designee;

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

21 (11) Telecommunications attorney appointed by the governor.

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

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

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

25 **42-160-5. Duties and powers of broadband council.**

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

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

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

1 tourism, parks and recreation, and agriculture.

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

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

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

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

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

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

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

25 **42-160-6. Funding.**

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

29 **42-160-7. Administrative support to council.**

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

33 **42-160-8. Meetings and reporting.**

34 The council shall meet at least quarterly and shall report at least quarterly to the general

1 [assembly on its findings and recommendations to include, but not limited to, recommendations for](#)
2 [proposed legislation to further the purposes of this chapter.](#)

3 SECTION 2. This act shall take effect on September 1, 2021.

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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

1 This act would establish the eleven (11) member broadband council to create a plan to
2 increase the use of broadband service in the state. A broadband coordinator is to be designated in
3 Commerce RI to access federal funds and coordinate with the council.

4 This act would take effect on September 1, 2021.

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