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STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2022

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:

SECTION 1. The general assembly hereby finds that:

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

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

(3) The term “broadband” has evolved over time as the need for faster speeds and greater bandwidth continues to expand. Broadband, or high-speed Internet, has been defined by the Federal Communications Commission (FCC) as Internet service with speeds of at least twenty-five megabits per second (25 Mbps) download and three megabits per second (3 Mbps) upload (25/3 Mbps). Traditional Internet speed is woefully inadequate for multiple devices at one location for present and evolving future consumer needs. Currently, federal rulemaking is defining the
broadband standard as one hundred megabits per second (100 Mbps) download and twenty
megabits per second (20 Mbps) upload (100/20 Mbps). This Internet speed is essential, especially
when it comes to accessing federal dollars for broadband.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 162

THE RHODE ISLAND BROADBAND DEVELOPMENT PROGRAM

42-162-1. Short title.

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

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

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


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

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

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

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

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

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


An employee of the Rhode Island commerce corporation ("commerce corporation") shall be designated by the secretary of commerce as the broadband administrator. The broadband administrator shall be responsible for communicating with federal agencies such as the National Telecommunications and Information Administration (NTIA) to access federal funds for broadband programs to include, but not be limited to, for municipal broadband pilot programs and...
future economic development. The broadband administrator shall meet quarterly with the broadband council. The broadband administrator shall perform such other duties as assigned by the secretary.

42-162-5. Broadband council established.

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

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

(1) Rhode Island emergency management administrator, or designee;
(2) Rhode Island League of Cities and Towns administrator, or designee;
(3) Department of the public utilities administrator, or designee;
(4) Office of Library and Information Services, or designee;
(5) OSHEAN's chief operating officer, or designee;
(6) Rhode Island department of transportation director, or designee;
(7) Rhode Island infrastructure bank administrator, or designee;
(8) Representative of a cable company appointed by the president of the senate;
(9) Representative of a fiber broadband company appointed by the speaker of the house;
(10) The executive director of the George Wiley Center, or designee;
(11) Telecommunications attorney appointed by the governor; and
(12) Rhode Island commerce corporation chief executive officer, or designee.

c) Members of the council shall designate a chairperson.

d) Members of the council shall serve without compensation.

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

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

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

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

(2) Build and facilitate local technology planning teams or partnerships with members representing cross-sections of the community, which may include, but are not limited to, representatives from the following organizations and industries: libraries, kindergarten through grade twelve (K-12) education, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture;
(3) Encourage the use of broadband Internet service, especially in the rural, underserved, or
underserved communities of the state through effective strategies to facilitate the statewide
deployment of broadband Internet services to include, but not be limited to, the following:

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

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

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

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

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

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

42-162-7. Funding.

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

42-162-8. Administrative support to council.

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


The council shall meet at least quarterly and shall report at least quarterly to the general
assembly on its findings and recommendations to include, but not be limited to, recommendations
for proposed legislation to further the purposes of this chapter.

SECTION 3. This act shall take upon passage.
EXPLANATION

BY THE LEGISLATIVE COUNCIL

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

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

This act would take effect upon passage.