



House of Representatives

General Assembly

File No. 511

January Session, 2009

Substitute House Bill No. 6426

House of Representatives, April 6, 2009

The Committee on Energy and Technology reported through REP. NARDELLO of the 89th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT IMPROVING BROADBAND ACCESS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) As used in this section,
2 "broadband" means a high-speed Internet service whose minimum
3 speed is the speed as defined by the Federal Communications
4 Commission, and "priority areas" means those parts of the state the
5 Department of Public Utility Control determines to be unserved in
6 terms of access to broadband.

7 (b) The Department of Public Utility Control shall, in consultation
8 with the Office of Consumer Counsel and the Broadband Internet
9 Coordinating Council, established pursuant to section 4d-100 of the
10 general statutes, develop a state-wide technology initiative program,
11 which shall include, but not be limited to, the following components:

12 (1) Expanding and deploying broadband infrastructure in priority
13 areas and increasing broadband subscriptions. The initiative program

14 shall include a detailed financial incentives component to award
15 incentives first to private providers and then to public-private
16 partnerships that deploy additional broadband infrastructure to such
17 priority areas. No such incentive shall be available to support any
18 deployment in areas where broadband, via wireline or wireless
19 technologies but not satellite technology, is already available.

20 (2) In partnership with the private sector, establishing a digital
21 technology access and education program to provide information,
22 computers and other technology to access broadband and
23 communications technology to local communities in priority areas.
24 Such program may include, but not be limited to, education and skill-
25 building opportunities, hardware and software, Internet connectivity
26 and development of locally relevant content and delivery of vital
27 services through technology.

28 (3) Providing organizational and capacity building support to
29 groups throughout the state, including, but not limited to,
30 municipalities, the community-technical colleges, school districts,
31 libraries and senior centers, and identifying and facilitating the
32 availability of other public and private funding sources to enhance the
33 purposes of the state-wide technology initiative established pursuant
34 to this subsection.

35 (4) Establishing a competitive grant program to provide grants to
36 private sector providers or public-private partnerships. Grants shall be
37 used to provide training and skill-building opportunities; provide
38 access to hardware and software; provide Internet connectivity; adopt
39 information and communication technologies in priority areas and
40 develop locally relevant content and delivery of vital services through
41 technology. The department shall develop criteria for awarding grants
42 pursuant to this subdivision, which may include, but not be limited to,
43 eligibility requirements and funding sources.

44 (c) The department, in consultation with telecommunications and
45 Internet service providers, shall contract with a third-party
46 organization to create and regularly update a detailed, geographic

47 information system (GIS) map, at the census block level of the
48 broadband services and other relevant telecommunications and
49 information technology services owned or leased by public entities in
50 the state. The map shall include (1) a baseline assessment of state-wide
51 broadband deployment in terms of percentage of households with
52 broadband; (2) the amount of excess capacity available; (3) whether the
53 broadband infrastructure is active or inactive; and (4) the geographic
54 gaps in broadband service, including the demographics of the
55 population in each of the geographic gaps.

56 (d) In developing the state-wide technology initiative program and
57 the geographic information system map pursuant to this section, the
58 department, third-party organization or other party shall only collect
59 data maintained in the normal course of business and such
60 organization or other party shall provide details on how proprietary
61 and competitively sensitive data will be handled, stored and used. The
62 department shall treat any information designated by the providing
63 entity as confidential or proprietary as such and shall execute an
64 appropriate nondisclosure agreement. The data submitted by
65 providing entities pursuant to this section shall not be subject to
66 disclosure under the Freedom of Information Act, as defined in section
67 1-200 of the general statutes.

68 (e) On or before January 1, 2010, and annually thereafter for five
69 years, the department shall submit a report, in accordance with the
70 provisions of section 11-4a of the general statutes, on the development
71 of the state-wide technology initiative program and the geographic
72 information system map prepared pursuant to this section to the joint
73 standing committee of the General Assembly having cognizance of
74 matters relating to energy.

75 (f) Nothing in this section shall give the Department of Public Utility
76 Control, or any other entity, any additional authority, regulatory or
77 otherwise, over providers of telecommunications and information
78 technology.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section

ET *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Public Utility Control, Dept.	CC&PUCF - Cost	Significant	Significant

Note: CC&PUCF=Consumer Counsel and Public Utility Control Fund

Municipal Impact: None

Explanation

This bill requires the Department of Public Utility Control (DPUC) to develop a statewide technology initiative program, which includes expanding and deploying broadband infrastructure in priority areas, establishing a digital technology access and education program, establishing a competitive grant program, and creating and regularly updating a detailed geographic information system map. The bill does not provide funding for provisions of the bill but it is anticipated that DPUC will incur significant costs to carry out the provisions of the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 6426

AN ACT IMPROVING BROADBAND ACCESS.

SUMMARY:

This bill requires the Department of Public Utility Control (DPUC), in consultation with the Office of Consumer Counsel (OCC) and the Broadband Internet Coordinating Council, to develop a statewide technology program. It requires the program to have infrastructure, education, and support components and to provide grants to private providers and private-public partnerships.

The bill also requires DPUC, in consultation with telecommunications and Internet service providers, to create and regularly update a detailed, geographic information system map of the broadband services and other relevant telecommunications and information technology services owned or leased by public entities in the state. The map must be at the census block level and include:

1. details on how proprietary and competitively sensitive data will be handled, stored, and used;
2. a baseline assessment of statewide broadband deployment in terms of percentage of households with broadband;
3. the amount of excess capacity available;
4. whether the broadband infrastructure is active or inactive; and
5. the geographic gaps in broadband service, including the demographics of the population in each of the geographic gaps.

In developing the initiative and the map, DPUC may only collect data maintained in the normal course of business. It must treat as

confidential or proprietary any information the providing entity designates as such and execute an appropriate nondisclosure agreement. The data submitted by providing entities are not subject to disclosure under the Freedom of Information Act.

The bill requires DPUC to report to the Energy and Technology Committee by January 1 each year, from 2010 to 2015, on the development of the initiative and the map.

The bill specifies that it does not give DPUC any additional regulatory or other authority over telecommunications and information technology providers.

EFFECTIVE DATE: July 1, 2009

STATEWIDE TECHNOLOGY INITIATIVE

Infrastructure

The bill requires that the initiative include provisions for (1) expanding and deploying broadband infrastructure in the parts of the state DPUC determines to be unserved in terms of access to broadband (priority areas) and (2) increasing broadband subscriptions. Under the bill, "broadband" means high-speed Internet service whose minimum speed is the speed set by the Federal Communications Commission.

The "plan" (apparently the initiative program) must include a detailed financial incentive component to award incentives first to private providers and then to public-private partnerships that deploy additional broadband infrastructure to these areas. Incentives cannot be provided to support any deployment where wireline or wireless broadband is already available, but may be provided where broadband access by satellite technology is already available.

Education

The bill requires that DPUC, in partnership with the private sector and in consultation with OCC and the council, establish a digital technology access and education program to provide information, computers, and other technology to access broadband and

communications technologies in local communities in priority areas. The program may include, among other things, education and skill-building opportunities, hardware and software, Internet connectivity, and development of locally relevant content and delivery of vital services through technology.

Support

The bill requires that the initiative provide organizational and capacity building support to groups throughout the state. These include, among others, municipalities, community colleges, school districts, libraries, and senior centers. The program must identify and facilitate the availability of other public and private funding sources to enhance the purposes of the initiative.

Grants

The bill requires that DPUC, in consultation with OCC and the council, establish a program to provide competitive grants to groups throughout the state, including, municipalities, community colleges, school districts, libraries, and senior centers. The grantees must use the money to (1) provide training and skill-building opportunities, (2) provide access to hardware and software; provide Internet connectivity, (3) adopt information and communication technologies in priority areas, (4) and develop locally relevant content and delivery of vital services through technology.

DPUC must develop criteria for awarding the grants, which may include, among other things, eligibility requirements and funding sources.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/19/2009)