

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL DRH10224-MQ-116

Short Title: Broadband Consumer Protection. (Public)

Sponsors: Representative Moss.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO ENACT THE NORTH CAROLINA BROADBAND CONSUMER
PROTECTION ACT TO PROVIDE OVERSIGHT OF BROADBAND SERVICE BY THE
NORTH CAROLINA UTILITIES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Title. – This act shall be known and may be cited as the "North Carolina Broadband Consumer Protection Act."

SECTION 1.(b) Legislative Findings. – The General Assembly finds that access to high-speed broadband service is a necessity and is essential to participation in the economy, education, and civic life. Closing gaps in broadband availability is a matter of deployment, affordability, and ensuring networks are resilient and of high quality and that they facilitate public safety. The North Carolina Public Utilities Commission is provided the authority and a clear mandate to establish and enforce appropriate oversight of broadband in order to meet the State's goals of high-quality and affordable access to broadband.

SECTION 2.(a) G.S. 62-2(b1) is repealed.

SECTION 2.(b) Article 17 of Chapter 62 of the General Statutes is amended by adding a new section to read:

"§ 62-352. Oversight of broadband service.

(a) For the purposes of this section, the following definitions apply:

(1) Broadband service. – A mass-market retail service that provides the capability to transmit data and receive data with transmission speeds at the Federal Communications Commission standard minimum of 25 megabits per second download and 3 megabits per second upload.

(2) Broadband service provider. – Any person, business, or organization qualified to do business in this State that provides individuals, corporations, or other entities with the ability to connect to the internet with a broadband service.

(b) The Commission shall be authorized to exercise oversight of broadband service.

(c) The Commission shall promulgate rules and regulations necessary to implement effective oversight of broadband service in this State, which include at least all of the following:

(1) Resiliency. – The Commission shall ensure the resiliency and reliability of broadband infrastructure and require broadband service providers to submit information related to network reliability, including outage reporting.

(2) Public safety. – The Commission shall ensure the consumer protection, public safety, and adequacy of broadband networks by exercising oversight of broadband service providers' emergency preparedness and plans for post-emergency network restoration, including establishing minimum power



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1 backup requirements and requiring all broadband service providers to
2 maintain networks sufficiently to ensure reliable and safe communications
3 services.

4 (3) Data collection. – The Commission shall receive broadband service provider
5 reports on availability and buildout.

6 (d) The Commission shall conduct evaluations and audits of facilities and infrastructure
7 used to provide broadband service and evaluate facilities and infrastructure with respect to areas
8 of public safety, resiliency, and any other area the Commission deems relevant to achieve
9 standards of resiliency, quality, public safety, and affordability in broadband service.

10 (e) The Commission shall submit an annual report, beginning December 1, 2021, to the
11 Joint Legislative Oversight Committee on General Government and the Fiscal Research Division
12 on outcomes related to achieving goals of resiliency, public safety, and quality of broadband
13 service in the State."

14 **SECTION 3.** This act is effective when it becomes law.