
**Technology, Energy &
Communications Committee**

HB 2521

Brief Description: Mapping internet and computer resources in the state.

Sponsors: Representative Hudgins.

Brief Summary of Bill

- Requires the Utilities and Transportation Commission (UTC) to conduct a detailed study of the telecommunications infrastructure owned, licensed, or otherwise controlled by public entities in the state.
- Requires the UTC to conduct a detailed survey of the retail availability of wireline, wireless, and fixed-wireless broadband in the state.
- Requires the UTC to compile a database and web page listing of all the free wireless internet services that are publicly available in the state.
- Requires the UTC to create a web directory of facilities providing community technology programs in the state.

Hearing Date: 1/15/08

Staff: Kara Durbin (786-7133).

Background:

In the Telecommunications Act of 1996, Congress directed the Federal Communications Commission (FCC) and state regulatory commissions to "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans."

The term "advanced telecommunications capability" is used by the FCC to describe services and facilities with an upstream (customer-to-provider) and downstream (provider-to-customer)

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transmission speed exceeding 200 kilobits per second (kbps). The FCC uses the term "high-speed" for those services with over 200 kbps capability in at least one direction.

The term "broadband service " generally refers to the high-speed transmission of electronic information. Several different types of technologies can be used to provide broadband service, including DSL, cable modem, satellite, remote DSL, broadband over power lines, wireless internet service providers, and Wi-Fi networks.

National Broadband Surveys:

According to a 2006 survey by the U.S. Government Accountability Office (GAO), a variety of characteristics related to households and services influences whether consumer purchase broadband services. The GAO found that households with higher incomes were more likely to adopt broadband than lower-income households, and those households with a college-education head of household were more likely to purchase broadband than those households headed by someone who did not graduate from college. While the GAO found that rural households are less likely to adopt broadband, their findings indicate that this difference may be related in part to the lower availability of broadband in rural areas. In addition, the GAO identified the price of broadband service as a barrier to adoption for some consumers.

State Study:

The Utilities and Transportation Commission (UTC) received an appropriation of \$160,000 in the 2007-2009 Operating Budget (Budget) to conduct a survey to "identify factors preventing the widespread availability and use of broadband technologies." Specifically, the Budget directed the UTC to collect and interpret reliable geographic, demographic, cultural, and telecommunications technology information to identify broadband disparities in the state. In conducting the study, the UTC must consult with appropriate stakeholders in designing the survey. The UTC must report its findings to the Legislature by December, 31, 2007.

Summary of Bill:

Study of Broadband Owned by Public Entities: The Utilities and Transportation Commission (UTC), in consultation with the Department of Information Services (DIS) must conduct a detailed study of telecommunications infrastructure and radio frequency bandwidth that is owned, licensed, or otherwise controlled by public entities in the state.

The study must include:

- The physical location of all telecommunications infrastructure of all telecommunications infrastructure owned, licensed, or otherwise controlled by public entities;
- The amount of excess capacity available; and
- Any overlap between the telecommunications infrastructure owned, licensed, or otherwise controlled by the state and the public telecommunications infrastructure.

The study must also indicate what broadband services are available by census tract and by block, lot, or other uniquely identifiable administrative characteristic.

In areas that do not have public broadband infrastructure, the UTC must estimate: (1) the amount of broadband connectivity needed in a given area to meet the unmet demand; and (2) possible reasons for why there is not coverage in a given area, if feasible.

The UTC, in consultation with the DIS, must identify any excess capacity and bandwidth that could be leased on a nondiscriminatory and commercially reasonable basis by public entities.

Survey of Retail Broadband Communications Services: The UTC, in consultation with the DIS, must conduct a detailed survey of the actual retail availability of wireline, wireless, and fixed-wireless broadband communications services across the state. This survey must be used to create a map of all broadband resources available in the state.

The survey must determine:

- The availability of broadband in the state;
- The average cost of service in those areas where broadband is available;
- The top three communities that have the largest number of broadband providers available at the lowest cost, and the top three communities in the state that have the smallest number of broadband providers at the highest cost; and
- The areas where broadband is not generally and readily commercially available in the state.

The survey must be organized by census tract and specifically set forth the unmet demand for broadband services by census tract and by block, lot, or other unique identifiable administrative characteristic.

In areas where broadband is not generally and readily commercially available, the UTC must estimate: (1) the amount of broadband connectivity needed in such areas to meet the unmet demand; and (2) possibly reasons why coverage may not be available in a given area, if feasible.

Status Report: By December 1 of each year, the UTC must update both the study of broadband owned by public entities and the survey of retail broadband in order to track the expansion and progress of broadband access in the state and submit a report to the Legislature.

Availability of Wireless Internet Services: By December 1, 2008, the UTC, in consultation with the DIS, must compile a database and a web page listing of all free wireless internet services that are available to the public in the state. This database and web page must describe the exact location of each wireless access point, and any login information that may be required for gaining access. The database must be updated on at least a monthly basis.

Availability of Community Technology Programs: The UTC, in consultation with the DIS, must identify and make publicly available by December 1, 2008, a web directory of facilities providing community technology programs throughout the state. This directory must be updated on at least an annual basis.

"Community technology program" is defined in the bill as a program engaged in diffusing information and communications technology in local communities, particularly in underserved areas.

Appropriation: None.

Fiscal Note: Requested on January 9, 2008. Fiscal note available on a previous draft of the bill (H-3953.1).

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.