

# HOUSE BILL 1069

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By: **Delegates Taylor, Ali, Barkley, Barve, Benson, Bronrott, Burns, Feldman, Gutierrez, Holmes, Hucker, Kaiser, Kelly, N. King, Lee, Montgomery, Myers, Oaks, Ramirez, Rice, Ross, Vaughn, and Walker**

Introduced and read first time: February 9, 2007

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission – Broadband Internet Service**

3 FOR the purpose of requiring the Public Service Commission to adopt regulations  
4 requiring certain broadband providers to submit certain reports periodically to  
5 the Commission on the deployment of certain broadband Internet service to the  
6 public; specifying the required contents of the reports; requiring the  
7 Commission to publish the reports on the Commission’s website; stating the  
8 intent of the General Assembly; defining certain terms; and generally relating  
9 to broadband internet service in Maryland.

10 BY adding to  
11 Article – Public Utility Companies  
12 Section 5–107 and 5–108  
13 Annotated Code of Maryland  
14 (1998 Volume and 2006 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Public Utility Companies**

18 **5–107.**

19 **THE GENERAL ASSEMBLY FINDS:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (1) THAT A BROADBAND PROVIDER THAT OFFERS BROADBAND  
2 INTERNET SERVICE TO THE PUBLIC SHOULD NOT PROVIDE OR SELL TO  
3 INTERNET CONTENT, APPLICATION, OR SERVICE PROVIDERS, INCLUDING ANY  
4 AFFILIATE OF A BROADBAND SERVICE COMPANY, ANY SERVICE THAT PROVIDES,  
5 DEGRADES, OR GIVES PRIORITY TO ANY PACKET SOURCE OVER THAT  
6 COMPANY'S BROADBAND INTERNET ACCESS SERVICE BASED ON ITS SOURCE,  
7 OWNERSHIP, OR DESTINATION; AND

8           (2) THAT THE PRINCIPLE STATED IN ITEM (1) OF THIS SECTION  
9 SHOULD APPLY TO BROADBAND SERVICE FROM THE NETWORK SIDE OF  
10 EQUIPMENT ON THE CUSTOMER'S PREMISES UP TO AND INCLUDING THE  
11 INTERNET EXCHANGE POINT CLOSEST TO THE CUSTOMER'S PREMISES.

12 **5-108.**

13           (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE  
14 MEANINGS INDICATED.

15           (2) "BROADBAND PROVIDER" MEANS A PERSON WHO SELLS OR  
16 OTHERWISE PROVIDES BROADBAND SERVICE TO CUSTOMERS.

17           (3) (I) "BROADBAND SERVICE" MEANS AN INTERNET SERVICE  
18 WHERE DATA TRANSMISSION SPEEDS EXCEED 768 KILOBITS PER SECOND  
19 (KBPS) IN AT LEAST ONE DIRECTION.

20                   (II) "BROADBAND SERVICE" INCLUDES:

- 21                   1. DIGITAL SUBSCRIBER LINE (DSL);
- 22                   2. CABLE MODEM;
- 23                   3. WIRELESS BROADBAND; AND
- 24                   4. BROADBAND OVER POWER LINES (BPL).

25           (B) THE COMMISSION SHALL ADOPT REGULATIONS THAT REQUIRE  
26 EACH BROADBAND PROVIDER TO SUBMIT A REPORT QUARTERLY TO THE

1 **COMMISSION ON THE DEPLOYMENT OF BROADBAND SERVICE TO THE PUBLIC**  
2 **THAT EXCEEDS 768 Kbps.**

3 **(C) THE REPORT SHALL:**

4 **(1) IDENTIFY WHERE THE BROADBAND PROVIDER PROVIDES**  
5 **BROADBAND SERVICE TO CUSTOMERS IN THE BROADBAND PROVIDER'S SERVICE**  
6 **TERRITORY, BROKEN DOWN BY ZIP CODE PLUS 4;**

7 **(2) STATE THE PERCENTAGE OF HOUSEHOLDS IN BROADBAND**  
8 **PROVIDER'S SERVICE TERRITORY, BROKEN DOWN BY ZIP CODE PLUS 4, THAT**  
9 **ARE OFFERED BROADBAND SERVICE BY THE PROVIDER AND THE PERCENTAGE**  
10 **OF HOUSEHOLDS THAT SUBSCRIBE TO THE PROVIDER'S BROADBAND SERVICE;**

11 **(3) STATE THE UPLOAD AND DOWNLOAD DATA TRANSMISSION**  
12 **SPEEDS THAT ARE AVAILABLE TO CUSTOMERS IN THE BROADBAND PROVIDER'S**  
13 **SERVICE TERRITORY, BROKEN DOWN BY ZIP CODE PLUS 4;**

14 **(4) STATE THE AVERAGE PRICE PER MEGABYTE OF DOWNLOAD**  
15 **AND UPLOAD DATA TRANSMISSION SPEEDS IN THE BROADBAND PROVIDER'S**  
16 **SERVICE TERRITORY, BROKEN DOWN BY ZIP CODE PLUS 4; AND**

17 **(5) REPORT NEW SERVICES AND UPGRADES TO EXISTING**  
18 **BROADBAND SERVICES IN THE BROADBAND PROVIDER'S SERVICE TERRITORY,**  
19 **BROKEN DOWN BY ZIP CODE PLUS 4.**

20 **(D) THE COMMISSION SHALL PUBLISH EACH REPORT ON THE**  
21 **COMMISSION'S WEBSITE.**

22 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
23 **October 1, 2007.**