

# HOUSE BILL 1037

C5, S1

6lr1904  
CF SB 605

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By: **Delegates Foley, Acevero, Ebersole, Fair, Fennell, Kerr, Lehman, Martinez, Palakovich Carr, Patterson, Ruth, Spiegel, Stewart, Turner, Vogel, and Wims**

Introduced and read first time: February 9, 2026

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission – Broadband and Voice Over Internet Protocol**  
3 **Service – Oversight**  
4 **(Broadband Accountability and Affordability Act)**

5 FOR the purpose of authorizing the Public Service Commission to exercise certain oversight  
6 of broadband service and voice over Internet protocol service; requiring the  
7 Commission to assess the adequacy of certain plans for each Internet service  
8 provider; authorizing the Commission to conduct certain evaluations or audits and  
9 require certain remedial action under certain circumstances; repealing provisions of  
10 law prohibiting the Commission from regulating voice over Internet protocol service;  
11 and generally relating to broadband service and voice over Internet protocol service.

12 BY adding to  
13 Article – Public Utilities  
14 Section 5–107  
15 Annotated Code of Maryland  
16 (2025 Replacement Volume and 2025 Supplement)

17 BY repealing  
18 Article – Public Utilities  
19 Section 8–601 and 8–602 and the subtitle “Subtitle 6. Voice over Internet Protocol  
20 Service”  
21 Annotated Code of Maryland  
22 (2025 Replacement Volume and 2025 Supplement)

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

25 **Article – Public Utilities**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-107.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (2) (I) "BROADBAND SERVICE" MEANS A MASS-MARKET RETAIL  
5 SERVICE THAT PROVIDES THE CAPABILITY TO TRANSMIT DATA TO AND RECEIVE  
6 DATA FROM ALL OR SUBSTANTIALLY ALL INTERNET ENDPOINTS, INCLUDING ANY  
7 CAPABILITIES THAT ARE INCIDENTAL TO AND ENABLE THE OPERATION OF  
8 COMMUNICATIONS SERVICES PROVIDED BY A WIRELINE, FIXED WIRELESS, MOBILE  
9 WIRELESS BROADBAND, OR SATELLITE SERVICE PROVIDER.

10 (II) "BROADBAND SERVICE" DOES NOT INCLUDE DIAL-UP  
11 INTERNET SERVICE.

12 (3) "INTERNET SERVICE PROVIDER" MEANS AN ENTITY THAT  
13 PROVIDES BROADBAND SERVICE TO A CUSTOMER IN THE STATE.

14 (4) (I) "VOICE OVER INTERNET PROTOCOL SERVICE" OR "VOIP  
15 SERVICE" MEANS ANY SERVICE THAT:

16 1. ENABLES REAL-TIME TWO-WAY VOICE  
17 COMMUNICATIONS THAT ORIGINATE FROM OR TERMINATE TO THE SUBSCRIBER END  
18 USER'S LOCATION REQUIRING INTERNET PROTOCOL OR ANY SUCCESSOR PROTOCOL  
19 TO INTERNET PROTOCOL; AND

20 2. REQUIRES A BROADBAND CONNECTION FROM THE  
21 USER'S LOCATION.

22 (II) "VOICE OVER INTERNET PROTOCOL SERVICE" OR "VOIP  
23 SERVICE" INCLUDES ANY SERVICE THAT ALLOWS USERS GENERALLY TO RECEIVE  
24 CALLS THAT ORIGINATE ON THE PUBLIC SWITCHED TELEPHONE NETWORK AND TO  
25 TERMINATE CALLS TO THE PUBLIC SWITCHED TELEPHONE NETWORK.

26 (B) THE COMMISSION MAY EXERCISE OVERSIGHT OF BROADBAND SERVICE  
27 AND VOIP SERVICE.

28 (C) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT  
29 EFFECTIVE OVERSIGHT OF THE QUALITY, RELIABILITY, AND RESILIENCE OF  
30 BROADBAND SERVICE AND VOIP SERVICE, INCLUDING:

1           **(1) ESTABLISHING STANDARDS TO ENSURE THE RESILIENCE AND**  
2 **RELIABILITY OF BROADBAND INFRASTRUCTURE;**

3           **(2) REQUIRING EACH INTERNET SERVICE PROVIDER TO:**

4                   **(I) SUBMIT INFORMATION RELATING TO NETWORK**  
5 **RELIABILITY, INCLUDING REPORTING OUTAGES;**

6                   **(II) MAINTAIN NETWORKS SUFFICIENTLY IN ORDER TO ENSURE**  
7 **RELIABLE, SAFE, AND ADEQUATE SERVICES;**

8                   **(III) REPORT DATA ON THE AVAILABILITY, DEPLOYMENT,**  
9 **PRICING, AND ADOPTION OF BROADBAND SERVICES AND VOIP SERVICES; AND**

10                   **(IV) SUBMIT TO THE COMMISSION THE PROVIDER'S PLANS FOR**  
11 **EMERGENCY PREPAREDNESS AND POSTEMERGENCY NETWORK RESTORATION;**

12           **(3) ESTABLISHING A SYSTEM FOR ASSESSING THE ADEQUACY OF**  
13 **INTERNET SERVICE PROVIDERS' PLANS FOR EMERGENCY PREPAREDNESS AND**  
14 **POSTEMERGENCY NETWORK RESTORATION; AND**

15           **(4) ESTABLISHING MINIMUM REQUIREMENTS FOR BACKUP POWER**  
16 **GENERATION.**

17           **(D) THE COMMISSION SHALL ASSESS THE ADEQUACY OF EACH INTERNET**  
18 **SERVICE PROVIDER'S PLAN FOR EMERGENCY PREPAREDNESS AND**  
19 **POSTEMERGENCY NETWORK RESTORATION IN ACCORDANCE WITH REGULATIONS**  
20 **ADOPTED UNDER THIS SECTION.**

21           **(E) (1) ON RECEIPT OF A COMPLAINT FROM A CUSTOMER OR BASED ON**  
22 **DATA COLLECTED FROM PROVIDERS, THE COMMISSION MAY CONDUCT AN**  
23 **EVALUATION OR AUDIT OF AN INTERNET SERVICE PROVIDER'S FACILITIES AND**  
24 **INFRASTRUCTURE TO ASSESS SERVICE QUALITY, PUBLIC SAFETY CONCERNS, OR**  
25 **NETWORK RESILIENCE.**

26                   **(2) THE COMMISSION MAY HOLD A HEARING AS PART OF THE**  
27 **EVALUATION OR AUDIT AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

28                   **(3) IF THE COMMISSION DETERMINES THAT THE PRACTICES,**  
29 **FACILITIES, OR SERVICES OF AN INTERNET SERVICE PROVIDER ARE UNJUST,**  
30 **UNREASONABLE, UNSAFE, IMPROPER, OR INADEQUATE TO ENSURE NETWORK**  
31 **RELIABILITY, RESILIENCE, AND PUBLIC SAFETY IN ACCORDANCE WITH THE**

1 STANDARDS ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION, THE  
2 COMMISSION MAY REQUIRE THE PROVIDER TO UNDERTAKE REMEDIAL ACTIONS.

3 (F) ON OR BEFORE JANUARY 1, 2028, AND EACH JANUARY 1 THEREAFTER,  
4 THE COMMISSION SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE  
5 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON PROGRESS MADE  
6 TOWARD IMPROVING SERVICE QUALITY, PUBLIC SAFETY, AND NETWORK  
7 RESILIENCE.

8 (G) (1) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT ANY  
9 RIGHT OR AUTHORITY GRANTED TO THE OFFICE OF STATEWIDE BROADBAND  
10 UNDER TITLE 6.5 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

11 (2) THE COMMISSION MAY COORDINATE WITH THE OFFICE OF  
12 STATEWIDE BROADBAND WHEN COLLECTING DATA TO CARRY OUT THE PROVISIONS  
13 OF THIS SECTION.

14 [Subtitle 6. Voice over Internet Protocol Service.]

15 [8-601.

16 In this subtitle:

17 (1) “voice over Internet protocol service” or “VoIP service” means any  
18 service that:

19 (i) enables real-time two-way voice communications that originate  
20 from or terminate to the subscriber end user’s location requiring Internet protocol or any  
21 successor protocol to Internet protocol; and

22 (ii) requires a broadband connection from the user’s location; and

23 (2) “voice over Internet protocol service” or “VoIP service” includes any  
24 such service that permits users generally to receive calls that originate on the public  
25 switched telephone network and to terminate calls to the public switched telephone  
26 network.]

27 [8-602.

28 (a) The Commission does not have jurisdiction over the regulation of VoIP service,  
29 including the imposition of regulatory fees, certification requirements, and the filing or  
30 approval of tariffs.

31 (b) Nothing in this subtitle may be construed to:

1           (1)     require or prohibit the assessment of 9–1–1 fees in accordance with §  
2 1–310 of the Public Safety Article on VoIP;

3           (2)     require or prohibit the assessment of fees for telecommunications relay  
4 service under Title 3, Subtitle 8 of the State Finance and Procurement Article;

5           (3)     require or prohibit the payment of any switched network access rates  
6 or other intercarrier compensation rates that may be determined to apply;

7           (4)     relieve a company that is otherwise subject to § 8–201 of this title of its  
8 obligation to provide telephone lifeline service over local exchange access lines that are  
9 subject to the Commission’s jurisdiction;

10          (5)     exempt VoIP service from generally applicable State and federal laws  
11 relating to public safety, consumer protection, and unfair and deceptive trade practices, or  
12 to exempt VoIP service from the authority of the Division of Consumer Protection in the  
13 Office of the Attorney General; or

14          (6)     remove the Commission’s jurisdiction over circuit switched local  
15 exchange access service.

16          (c)     A company that moves a customer from a Commission–approved tariff service  
17 to VoIP service shall notify the customer that the Commission does not have jurisdiction  
18 over the regulation of VoIP service and that complaints about VoIP service may be filed  
19 with the Division of Consumer Protection in the Office of the Attorney General.】

20          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2026.