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Environment and Transportation
Committee

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Subcommittee



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THE MARYLAND HOUSE OF DELEGATES
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Testimony: HB 1037 - Public Service Commission - Broadband and Voice Over Internet Protocol Service - Oversight (Broadband Accountability and Affordability Act)

Committee: Environment and Transportation Committee

Hearing Date: March 3, 2026

Position: Favorable

Good afternoon Chair Korman, Vice Chair Guyton, and members of the Environment and Transportation Committee. For the record, I am Delegate Linda Foley and am presenting HB1037 Public Service Commission - Broadband and Voice Over Internet Protocol Service Oversight (Broadband Accountability and Affordability Act).

This bill will authorize the Public Service Commission to exercise oversight of broadband service and voice over Internet protocol service to implement effective oversight of the quality, reliability and resilience of broadband service and VOIP service throughout Maryland.

In the past, states exercised extensive oversight of copper wire enabled Plain Old Telephone Service (POTS) and required providers to comply with service quality and consumer protection standards, including a requirement to provide a universal reliable service. Unfortunately, POTS regulations did not evolve with the advent of broadband and the transition of most customers to unregulated IP-enabled services such as Voice over IP (VoIP).

As a result, most state Public Service Commissions, including Maryland, have no or very limited oversight authority over VoIP and broadband. Consumers are left without recourse during outages and when providers fail to deliver promised services.

Let me add that this bill is not intended to cover either wireless or satellite communication. We will have an amendment to clarify that those services are excluded from the bill.

This bill establishes state oversight of broadband in the specific areas of public safety, network resiliency, data collection, and consumer protection:

- Resiliency - Require providers to submit information on outages.
- Public Safety - Oversee providers' emergency preparedness and plans for post-emergency restoration; establish back-up power standards; ensure consumers have reliable, safe communications services.

- Data Collection - require providers to submit pricing, deployment and adoption data; analyze this data and make it publicly available.
- Transparency/Consumer Protection - establish a clearinghouse of info on broadband prices and back-up power to ensure consumers are informed.

Strong oversight is vitally important to achieving reliable broadband access for all Marylanders.

If any of the Delegates on this Committee are unsure whether federal law permits Maryland to enact the provisions in this Bill, the answer is a clear YES that it is permitted. States' police powers give us clear authority over public safety and consumer protection, and the D.C. Circuit Court's decision in *Mozilla v. FCC* clarified that because the FCC chose to relinquish its authority over broadband, states could not be preempted from exercising broadband oversight. Subsequently just last year, another court ruling said that Congressional approval was required for the FCC to regulate broadband. Congress has not done so, and President Trump has indicated that he won't do so.

I also requested and received an opinion from Maryland's Attorney General's office that confirms that Maryland is not pre-empted from regulating broadband.

California is already exercising oversight of broadband and voice over Internet Protocol (VoIP) services. Other states have taken steps to also exercise oversight. This oversight includes ensuring network reliability, public safety, resiliency, and transparency in pricing and service quality.

Regarding the substantial fiscal note on this bill, I have a sponsor amendment that would treat broadband as the PSC treats other utilities with respect to costs. That amendment should wipe out the fiscal note.

Reliable broadband access is no longer a luxury – it is a necessity for education, employment, healthcare, and public safety.

Committee colleagues, HB1037 provides the Public Service Commission with the tools and resources to ensure Maryland's Broadband and Voice Over Internet Protocol Services will meet the needs of our citizens. For these reasons, I urge a favorable report on HB1037.