

SENATE No. 2020

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the Massachusetts Broadband Institute.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>

SENATE No. 2020

By Mr. Downing, a petition (subject to Joint Rule 12) of Benjamin B. Downing and Stephen Kulik for legislation relative to the Massachusetts Broadband Institute. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the Massachusetts Broadband Institute.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (d) of section 6B of chapter 40J of the General Laws, as
2 appearing in the 2012 Official Edition, is hereby amended by striking out the first paragraph and
3 inserting the following paragraph in place thereof:-

4 The corporation shall leverage private sector and federal investment by financing the
5 construction and acquisition of broadband infrastructure to promote the development of
6 broadband access and may undertake any other actions deemed appropriate by the corporation to
7 promote broadband adoption and usage and expand the public benefits associated with
8 broadband deployment in the commonwealth, particularly among vulnerable or disadvantaged
9 populations that underutilize broadband technologies. This broadband infrastructure shall
10 include, but not be limited to, conduit, fiber and towers. The corporation shall have the power to
11 (i) finance or acquire equipment or other property to be owned by the corporation, the
12 commonwealth or 1 or more other public entities, in which case such equipment or other
13 property may be leased or licensed by the corporation, for a fee or otherwise, for use by public
14 entities or nonprofit or for-profit private-sector entities, and (ii) make grants to one or more
15 public entities or nonprofit or for-profit private-sector entities for the financing or acquisition of
16 equipment or other property, subject, in all cases, to such conditions as the corporation’s board
17 may determine to be appropriate to protect the public interest. The acquisition of an indefeasible
18 right of use of facilities used for the transmission of intelligence by electricity or of a license or
19 other agreement to use electromagnetic spectrum licensed by the federal government shall be
20 considered to be the acquisition of an ownership interest in broadband infrastructure, and any
21 such transaction shall constitute a transaction with the commonwealth for the purpose of chapter
22 30B. Any lessee or licensee shall pay lease or license fees to the corporation, which shall credit

23 them to the fund. The corporation may provide and pay for advisory services and technical
24 assistance and take such other actions as may be necessary or desired to carry out its purposes.