

SENATE No. 56

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 adoption of the accompanying bill:

An Act ensuring accessible and reliable internet service to promote public safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/26/2021</i>

SENATE No. 56

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 56) of Barry R. Finegold and Linda Dean Campbell for legislation to ensure accessible and reliable internet service to promote public safety. Advanced Information Technology, the Internet and Cybersecurity.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act ensuring accessible and reliable internet service to promote public safety.

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. Section 6A of chapter 25C of the General Laws is hereby repealed.

2 SECTION 2. Section 8 of chapter 25C of the General Laws is hereby repealed.

3 SECTION 3. For the purposes of this act, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Dead zone”, means an area in which it is not possible to receive a consistent internet or
6 mobile phone connection.

7 “Department”, the Department of Telecommunications and Cable.

8 SECTION 4. The Commissioner of the Department may set a reasonable date by which
9 internet service and telecommunications service shall be restored to the dead zone. If the internet
10 service and telecommunications provider with jurisdiction over the dead zone fails to restore
11 service by that date, the Commissioner shall have the authority to fine the internet service and

12 telecommunications provider up to \$1,000 per day beyond the restoration deadline that internet
13 and cell service has not been restored. The Commissioner may also waive fees for failure to
14 restore service to dead zones as a result of an act of God.

15 SECTION 5. (a) If the Federal Communications Commission or any other federal entity
16 with relevant oversight authority determines through an investigation of the dead zone that the
17 dead zone was caused due to the relevant internet service and telecommunications provider's
18 failure to maintain its infrastructure, then the chairperson may fine the internet service and
19 telecommunications provider up to \$1,000 per day that internet and telecommunications service
20 is not restored, starting with the date of the initial service interruption.

21 (b) The chairperson may also require the internet service and telecommunications
22 provider to pay all or a portion of the emergency response costs incurred by municipalities
23 affected by the dead zone. These fines shall not limit the imposition of any other applicable fines
24 or damage awards against the relevant internet service and telecommunications provider.

25 SECTION 6. If an internet service and telecommunications provider is unable to provide
26 internet and/or cellular service to a customer for a period of 24 hours or more, the internet
27 service and telecommunications provider shall credit all of the customer's charges for the
28 monthly billing period in which the service outage occurred. This credit must be processed
29 before payment for the affected billing period that would have been due absent the service
30 outage. If an internet service and telecommunications provider temporarily suspends the
31 collection of service bills, the internet service and telecommunications provider shall provide an
32 affected customer with written notice of all charges still accruing to the customer's account. The

33 Commissioner may waive customer credit requirements for a dead zone resulting from an act of
34 God.

35 SECTION 7. Once a dead zone has been identified, the internet service and
36 telecommunications provider shall immediately schedule a completion of repairs, to be
37 completed within 1 month, and the condition of such dead zone shall be kept under surveillance
38 at a frequency of not less than once every two weeks until the hazard or source of the dead zone
39 is eliminated. The Department shall promulgate rules and regulations to implement this section.

40 SECTION 8. Internet service and telecommunications providers shall report to the
41 department the following data as of the time of the report: (i) the location of each dead zone; (ii)
42 the date each dead zone was classified; (iii) the dates of repairs performed on each dead zone.

43 SECTION 9. An internet service and telecommunications provider shall file with the
44 department a plan to address aging or malfunctioning infrastructure within the commonwealth in
45 the interest of public safety and reducing lost internet service and telecommunications service
46 through a reduction in new dead zones in the Commonwealth by 50%.

47 SECTION 10. Any plan filed with the department shall include, but not be limited to: (i)
48 eligible infrastructure replacement or repair; (ii) replacement infrastructure proposed; (iii) an
49 anticipated timeline for the completion of each project; (iv) the estimated cost of each project;
50 (v) rate change requests; (vi) a description of customer costs and benefits under the plan; (vii)
51 work plans including location by street segments of dead zone-prone infrastructure scheduled to
52 be replaced as required by this section; and (viii) any other information the department considers
53 necessary to evaluate the plan.

54 SECTION 11. Within 30 days of approval of any plan submitted to the department by an
55 internet service and telecommunications provider for replacement or improvement of any
56 existing infrastructure pursuant to this section, the department shall send such plan and such
57 approval to the municipality whose service territory is covered by such plan.