
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2394 Session of
2015

INTRODUCED BY SNYDER, PICKETT, BULLOCK, BIZZARRO, WARD AND
GOODMAN, OCTOBER 5, 2016

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, OCTOBER 5, 2016

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in alternative form of regulation of
3 telecommunications services, further providing for
4 definitions and for network modernization plans.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The definition of "broadband" in section 3102 of
8 Title 66 of the Pennsylvania Consolidated Statutes is amended
9 and the section is amended by adding a definition to read:

10 § 3012. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "Broadband." A communication channel using any technology
16 and having a bandwidth equal to or greater than [1.544 megabits
17 per second (Mbps) in the downstream direction and equal to or
18 greater than 128 kilobits per second (Kbps) in the upstream
19 direction] minimum broadband bandwidth.

1 * * *

2 "Minimum broadband bandwidth." The minimum number of
3 megabits per second (Mbps) in the downstream direction and
4 upstream direction required to participate in the Federal
5 Communication Commission program known as the Connect America
6 Fund or any successor Federal program.

7 * * *

8 Section 2. Section 3014(c)(2)(i) and (7), (d)(7) and (j)(4)
9 (iii) of Title 66 are amended to read:

10 § 3014. Network modernization plans.

11 * * *

12 (c) Bona fide retail request program.--A local exchange
13 telecommunications company that elects to amend its network
14 modernization plan pursuant to subsection (b)(2) or (3) shall no
15 later than 90 days after the effective date of its amended plan
16 implement a bona fide retail request program in areas where it
17 does not provide broadband. Not later than 30 days in advance of
18 program implementation, the local exchange telecommunications
19 company shall file with the commission and provide the
20 department with a written description of the program, a sample
21 request for advanced services form for use in the program and
22 the form of any advanced services term subscription agreements
23 customers will be required to execute in connection with
24 receiving the requested services. A bona fide retail request
25 program shall consist of the following:

26 * * *

27 (2) To be considered a bona fide retail request, the
28 written request must include:

29 (i) a request that a minimum of 50 retail access
30 lines or 25% of retail access lines within a community,

1 whichever is less, each be provided the same advanced
2 service or comparable advanced services having a
3 bandwidth within 100 kilobits per second (Kbps) of each
4 other. Notwithstanding the foregoing comparable bandwidth
5 limitation, where a request includes individual customer
6 requests for advanced services having equal to or less
7 than [1.544 megabits per second (Mbps)] minimum broadband
8 bandwidth in the downstream direction, all lines in the
9 request shall be counted in meeting the minimum line
10 requirement of this subparagraph;

11 * * *

12 (7) No advanced service requested and deployed by a
13 local exchange telecommunications company under the bona fide
14 retail request program which has a bandwidth of less than
15 [1.544 megabits per second (Mbps)] minimum broadband
16 bandwidth in the downstream direction shall be counted as a
17 credit toward the local exchange telecommunications company's
18 broadband deployment obligation under its network
19 modernization plan amended pursuant to subsection (b)(2) or
20 (3).

21 * * *

22 (d) Business attraction or retention program.--

23 * * *

24 (7) No advanced service requested of and deployed by a
25 local exchange telecommunications company under the Business
26 Attraction or Retention Program which has a bandwidth of less
27 than [1.544 megabits per second (Mbps)] minimum broadband
28 bandwidth in the downstream direction shall be counted as a
29 credit toward the local exchange telecommunication company's
30 broadband deployment obligation under its network

1 modernization plan amended under subsection (b) (2) or (3).

2 * * *

3 (j) Education Technology Program.--

4 * * *

5 (4) No later than 90 days after the effective date of
6 this section, the Department of Education shall prescribe the
7 grant process and the form and manner of the E-Fund
8 application. Grants shall be limited to the funds available
9 in the Education Technology Fund. In awarding grants, the
10 Department of Education shall give priority to applications:

11 * * *

12 (iii) that are submitted by school entities that do
13 not have broadband service, provided, however, that
14 nothing in this subsection shall preclude the department
15 from awarding funds to school entities for
16 telecommunications services, infrastructure or facilities
17 that provide bandwidths greater than [1.544 megabits per
18 second (Mbps)] minimum broadband bandwidth.

19 * * *

20 Section 3. This act shall take effect in 60 days.