A BILL ENTITLED

AN ACT concerning

Public Service Commission – Broadband Internet Service

FOR the purpose of requiring the Public Service Commission to adopt regulations requiring certain broadband providers to submit certain reports periodically to the Commission on the deployment of certain broadband Internet service to the public; specifying the required contents of the reports; requiring the Commission to publish the reports on the Commission’s website; stating the intent of the General Assembly; defining certain terms; and generally relating to broadband internet service in Maryland.

BY adding to

Article – Public Utility Companies

Section 5–107 and 5–108

Annotated Code of Maryland

(1998 Volume and 2006 Supplement)

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

Article – Public Utility Companies

5–107.

THE GENERAL ASSEMBLY FINDS:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.
(1) THAT A BROADBAND PROVIDER THAT OFFERS BROADBAND INTERNET SERVICE TO THE PUBLIC SHOULD NOT PROVIDE OR SELL TO INTERNET CONTENT, APPLICATION, OR SERVICE PROVIDERS, INCLUDING ANY AFFILIATE OF A BROADBAND SERVICE COMPANY, ANY SERVICE THAT PROVIDES, DEGRADES, OR GIVES PRIORITY TO ANY PACKET SOURCE OVER THAT COMPANY’S BROADBAND INTERNET ACCESS SERVICE BASED ON ITS SOURCE, OWNERSHIP, OR DESTINATION; AND

(2) THAT THE PRINCIPLE STATED IN ITEM (1) OF THIS SECTION SHOULD APPLY TO BROADBAND SERVICE FROM THE NETWORK SIDE OF EQUIPMENT ON THE CUSTOMER’S PREMISES UP TO AND INCLUDING THE INTERNET EXCHANGE POINT CLOSEST TO THE CUSTOMER’S PREMISES.

5–108.

(A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) “BROADBAND PROVIDER” MEANS A PERSON WHO SELLS OR OTHERWISE PROVIDES BROADBAND SERVICE TO CUSTOMERS.

(3) (I) “BROADBAND SERVICE” MEANS AN INTERNET SERVICE WHERE DATA TRANSMISSION SPEEDS EXCEED 768 KILOBITS PER SECOND (KBPS) IN AT LEAST ONE DIRECTION.

(II) “BROADBAND SERVICE” INCLUDES:

1. DIGITAL SUBSCRIBER LINE (DSL);
2. CABLE MODEM;
3. WIRELESS BROADBAND; AND
4. BROADBAND OVER POWER LINES (BPL).

(B) THE COMMISSION SHALL ADOPT REGULATIONS THAT REQUIRE EACH BROADBAND PROVIDER TO SUBMIT A REPORT QUARTERLY TO THE
COMMISSION ON THE DEPLOYMENT OF BROADBAND SERVICE TO THE PUBLIC
THAT EXCEEDS 768 KBPS.

(C) THE REPORT SHALL:

1. IDENTIFY WHERE THE BROADBAND PROVIDER PROVIDES
   BROADBAND SERVICE TO CUSTOMERS IN THE BROADBAND PROVIDER’S SERVICE
   TERRITORY, BROKEN DOWN BY ZIP CODE PLUS 4;

2. STATE THE PERCENTAGE OF HOUSEHOLDS IN BROADBAND
   PROVIDER’S SERVICE TERRITORY, BROKEN DOWN BY ZIP CODE PLUS 4, THAT
   ARE OFFERED BROADBAND SERVICE BY THE PROVIDER AND THE PERCENTAGE
   OF HOUSEHOLDS THAT SUBSCRIBE TO THE PROVIDER’S BROADBAND SERVICE;

3. STATE THE UPLOAD AND DOWNLOAD DATA TRANSMISSION
   SPEEDS THAT ARE AVAILABLE TO CUSTOMERS IN THE BROADBAND PROVIDER’S
   SERVICE TERRITORY, BROKEN DOWN BY ZIP CODE PLUS 4;

4. STATE THE AVERAGE PRICE PER MEGABYTE OF DOWNLOAD
   AND UPLOAD DATA TRANSMISSION SPEEDS IN THE BROADBAND PROVIDER’S
   SERVICE TERRITORY, BROKEN DOWN BY ZIP CODE PLUS 4; AND

5. REPORT NEW SERVICES AND UPGRADES TO EXISTING
   BROADBAND SERVICES IN THE BROADBAND PROVIDER’S SERVICE TERRITORY,
   BROKEN DOWN BY ZIP CODE PLUS 4.

(D) THE COMMISSION SHALL PUBLISH EACH REPORT ON THE
COMMISSION’S WEBSITE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2007.