

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 476

Short Title: Broadband Consumer Protection. (Public)

Sponsors: Representatives Moss, Sasser, R. Smith, and Penny (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 1, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE NORTH CAROLINA BROADBAND CONSUMER
3 PROTECTION ACT TO PROVIDE OVERSIGHT OF BROADBAND SERVICE BY THE
4 NORTH CAROLINA UTILITIES COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Title. – This act shall be known and may be cited as the "North
7 Carolina Broadband Consumer Protection Act."

8 **SECTION 1.(b)** Legislative Findings. – The General Assembly finds that access to
9 high-speed broadband service is a necessity and is essential to participation in the economy,
10 education, and civic life. Closing gaps in broadband availability is a matter of deployment,
11 affordability, and ensuring networks are resilient and of high quality and that they facilitate public
12 safety. The North Carolina Public Utilities Commission is provided the authority and a clear
13 mandate to establish and enforce appropriate oversight of broadband in order to meet the State's
14 goals of high-quality and affordable access to broadband.

15 **SECTION 2.(a)** G.S. 62-2(b1) is repealed.

16 **SECTION 2.(b)** Article 17 of Chapter 62 of the General Statutes is amended by
17 adding a new section to read:

18 "**§ 62-352. Oversight of broadband service.**

19 (a) For the purposes of this section, the following definitions apply:

20 (1) Broadband service. – A mass-market retail service that provides the capability
21 to transmit data and receive data with transmission speeds at the Federal
22 Communications Commission standard minimum of 25 megabits per second
23 download and 3 megabits per second upload.

24 (2) Broadband service provider. – Any person, business, or organization qualified
25 to do business in this State that provides individuals, corporations, or other
26 entities with the ability to connect to the internet with a broadband service.

27 (b) The Commission shall be authorized to exercise oversight of broadband service.

28 (c) The Commission shall promulgate rules and regulations necessary to implement
29 effective oversight of broadband service in this State, which include at least all of the following:

30 (1) Resiliency. – The Commission shall ensure the resiliency and reliability of
31 broadband infrastructure and require broadband service providers to submit
32 information related to network reliability, including outage reporting.

33 (2) Public safety. – The Commission shall ensure the consumer protection, public
34 safety, and adequacy of broadband networks by exercising oversight of
35 broadband service providers' emergency preparedness and plans for



1 post-emergency network restoration, including establishing minimum power
2 backup requirements and requiring all broadband service providers to
3 maintain networks sufficiently to ensure reliable and safe communications
4 services.

5 (3) Data collection. – The Commission shall receive broadband service provider
6 reports on availability and buildout.

7 (d) The Commission shall conduct evaluations and audits of facilities and infrastructure
8 used to provide broadband service and evaluate facilities and infrastructure with respect to areas
9 of public safety, resiliency, and any other area the Commission deems relevant to achieve
10 standards of resiliency, quality, public safety, and affordability in broadband service.

11 (e) The Commission shall submit an annual report, beginning December 1, 2021, to the
12 Joint Legislative Oversight Committee on General Government and the Fiscal Research Division
13 on outcomes related to achieving goals of resiliency, public safety, and quality of broadband
14 service in the State."

15 **SECTION 3.** This act is effective when it becomes law.