

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 349

Short Title: Develop Broadband Connectivity Plan. (Public)

Sponsors: Representatives Tine, Saine, Hager, and Hanes (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Public Utilities.

March 26, 2015

A BILL TO BE ENTITLED

1
2 AN ACT TO ENCOURAGE PROVISION OF BROADBAND ACCESS IN ALL AREAS OF
3 NORTH CAROLINA BY PROVIDING FOR THE CREATION OF A STATE
4 BROADBAND PLAN BY THE OFFICE OF THE STATE CHIEF INFORMATION
5 OFFICER AND BY SPECIFYING THAT BROADBAND SERVICE PROVIDERS MAY
6 OFFER COMMUNICATIONS AND BROADBAND SERVICES IN AREAS WHERE
7 THE INCUMBENT SERVICE PROVIDER IS NOT PROVIDING BROADBAND
8 SERVICE.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** The General Assembly finds that the availability of community
11 broadband connectivity through the expansion of readily accessible Internet to all of North
12 Carolina's counties is vital for the continued economic prosperity of all the State's citizens, and
13 that a plan to meet this need for high quality digital access is necessary to achieve this end in
14 the quickest and most efficient manner.

15 **SECTION 2.** The Office of the State Chief Information Officer, through its Office
16 of Digital Infrastructure, and with the assistance of the Department of Transportation, the
17 Department of Administration, the Department of Commerce, North Carolina State University,
18 the University of North Carolina at Charlotte, shall develop a State broadband plan to ensure
19 that all citizens of North Carolina have access to broadband capability. The plan shall include
20 the following components:

- 21 (1) An analysis of the most effective and efficient mechanisms for ensuring
22 broadband access by all citizens of the State.
- 23 (2) A detailed strategy for achieving affordability of such service and maximum
24 utilization of broadband infrastructure and service by the citizens of the
25 State.
- 26 (3) An evaluation of the status of deployment of broadband service, including a
27 survey of projects and programs undertaken across the State by commercial
28 broadband providers, local governments, and nongovernmental
29 organizations.
- 30 (4) A plan for use of broadband infrastructure and services in advancing
31 consumer welfare, civic participation, public safety and homeland security,
32 community development, health care delivery, energy independence and
33 efficiency, education, worker training, private sector investment,
34 entrepreneurial activity, job creation, and economic growth.



1 **SECTION 3.** The Office shall report no later than May 1, 2016, to the Joint
2 Legislative Committee on Information Technology on the State broadband plan and include
3 recommendations for necessary legislative action and cost estimates for achieving the
4 objectives set forth in the plan.

5 **SECTION 4.** Funding for the implementation of this act shall be provided by the
6 Office of the State Chief Information Officer using funds available from the Information
7 Technology Fund.

8 **SECTION 5.** G.S. 62-113(c) reads as rewritten:

9 "(c) Any broadband service provider that provides voice grade communication services
10 within a defined service territory or franchise area, and elects to provide broadband service in
11 areas ~~contiguous to~~ outside its service territory or franchise area, may provide such voice grade
12 service as an incident to such broadband service to a customer when the incumbent
13 telecommunications or cable provider is not currently providing broadband service to the
14 customer, without violating its service territory restrictions or franchise agreement."

15 **SECTION 6.** This act is effective when it becomes law.