

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H.B. 476  
Mar 31, 2021  
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10224-MQ-116

Short Title: Broadband Consumer Protection.

(Public)

Sponsors: Representative Moss.

Referred to:

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15 **SECTION 2.(a)** G.S. 62-2(b1) is repealed.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  
36 post-emergency network restoration, including establishing minimum power



\* D R H 1 0 2 2 4 - M Q - 1 1 6 \*

1                   backup requirements and requiring all broadband service providers to  
2                   maintain networks sufficiently to ensure reliable and safe communications  
3                   services.

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

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

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

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