

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 414

Short Title: Broadband Speed Standardization. (Public)

Sponsors: Representatives Moss, Gillespie, Miller, and Pyrtle (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Energy and Public Utilities, if favorable, Rules, Calendar, and Operations of the House

March 21, 2023

A BILL TO BE ENTITLED

AN ACT TO CONFORM THE STATE PUBLIC UTILITY STANDARD FOR BROADBAND SPEED TO THE FEDERAL COMMUNICATIONS COMMISSION'S BROADBAND SPEED BENCHMARK.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62-3 reads as rewritten:

"§ 62-3. Definitions.

As used in this Chapter, unless the context otherwise requires, the term:

- (1) "Broadband service" means ~~any service~~ a wired or wireless, terrestrial service that consists of or includes a high-speed access capability to transmit at a rate of not less than ~~200 kilobits per second in either the upstream or downstream direction~~ the current minimum fixed broadband speed benchmark established by the Federal Communications Commission and either (i) is used to provide access to the Internet, or (ii) provides computer processing, information storage, information content, or protocol conversion, including any service applications or information service provided over such high-speed access service. "Broadband service" does not include intrastate service that was tariffed by the Commission and in effect as of the effective date of this subdivision.

...."

SECTION 2. G.S. 117-18.1 reads as rewritten:

"§ 117-18.1. Subsidiary business activities.

(a) Electric membership corporations may form, organize, acquire, hold, dispose of, and operate any interest up to and including full controlling interest in separate business entities that provide energy services and products, telecommunications services and products, water, and wastewater collection and treatment, so long as those other business entities meet all of the following conditions:

...

(d) The provisions of subdivisions (1) and (3) of subsection (a) of this section do not apply to the separate business activities of an electric membership corporation that forms, organizes, acquires, holds, disposes of, or operates any interest up to and including full controlling interest in a separate business entity that provides or supports high-speed broadband services to one or more households, businesses, or community anchor points in an unserved area. For purposes of this subsection, the following definitions shall apply:



- 1 (1) ~~"Anchor points." The term shall include schools,~~ Anchor points. – Includes
2 schools, libraries, community colleges, community centers, and other similar
3 places.
- 4 (2) ~~"High-speed broadband services." High-speed broadband services. – Internet~~
5 transmission speeds of a minimum of 25 megabits per second (Mbps)
6 ~~downstream and 3 Mbps upstream.~~ at least the current minimum fixed
7 broadband speed benchmark established by the Federal Communications
8 Commission.
- 9 (3) ~~"Unserved area." Unserved area. – A location where inhabitants or businesses~~
10 do not have access to high-speed broadband services."
- 11 **SECTION 3.** This act is effective when it becomes law.