

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 349  
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HOUSE DRH40171-MH-88 (3/11)

Short Title: Develop Broadband Connectivity Plan. (Public)

Sponsors: Representatives Tine, Saine, Hager, and Hanes (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

**SECTION 3.** The Office shall report no later than May 1, 2016, to the Joint Legislative Committee on Information Technology on the State broadband plan and include



1 recommendations for necessary legislative action and cost estimates for achieving the  
2 objectives set forth in the plan.

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

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

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

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