

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 3275**

BY DELEGATE BATES

[Introduced March 16, 2021; Referred to the  
Committee on Technology and Infrastructure then the  
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §31G-6-1, §31G-6-2, and §31G-6-3, all relating to broadband resiliency, public  
 3 safety and quality act; authorizing rulemaking; making findings; defining terms; authorizing  
 4 oversight of broadband and VoIP; authorizing council to audit; and providing reporting  
 5 annual reporting.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 6. BROADBAND RESILIENCY, PUBLIC SAFETY, AND QUALITY ACT.**

**§31G-6-1. Short title.**

1 This article shall be known and may be cited as the “Broadband Resiliency, Public Safety  
 2 and Quality Act”.

**§31G-6-2. Legislative findings.**

1 The Legislature hereby finds and declares that access to high-speed broadband is a  
 2 necessity and essential to participation in the economy, education and civic life. Closing gaps in  
 3 broadband availability is a matter of deployment, affordability, and ensuring networks are resilient,  
 4 high quality and facilitate public safety. Because VoIP has replaced traditional voice telephone  
 5 service for a large segment of the population, ensuring its reliability is in the public interest and  
 6 consistent with public safety goals. State regulators require unambiguous authority and a clear  
 7 mandate to establish and enforce appropriate oversight and regulation of broadband and VoIP in  
 8 order to meet the state’s goals of universal, high-quality and affordable access.

**§31G-6-3. Oversight of Broadband and VoIP service.**

1 (a) For the purposes of this section:

2 (1) The term “broadband service” means a mass-market retail service that provides the  
 3 capability to transmit data to and receive data from all or substantially all Internet endpoints,  
 4 including any capabilities that are incidental to and enable the operation of the communications  
 5 service, but shall not include dial-up service.

6 (2) The term “internet service provider” means any person, business or organization

7 qualified to do business in this state that provides individuals, corporations, or other entities with  
8 the ability to connect to the internet with a broadband service.

9 (3) The term “Voice over Internet Protocol” or “VoIP” means an interconnected Voice over  
10 Internet Protocol (VoIP) service is a service that:

11 (A) Enables real-time, two-way voice communications;

12 (B) Requires a broadband connection from the user’s location;

13 (C) Requires Internet protocol-compatible customer premises equipment (CPE); and

14 (D) Permits users generally to receive calls that originate on the public switched telephone  
15 network and to terminate calls to the public switched telephone network.

16 (b) The council shall be authorized to exercise oversight in regards to broadband and VoIP  
17 service.

18 (c) The council shall promulgate rules for legislative approval under the provisions of  
19 §29A-3-1 et seq. of this code necessary to implement effective oversight of broadband and VoIP  
20 service in West Virginia, including, but not limited to:

21 (1) Resiliency. -- The council shall ensure the resiliency and reliability of broadband  
22 infrastructure and require Internet service providers to submit information related to network  
23 reliability, including outage reporting.

24 (2) Public Safety. -- The council shall ensure the public safety and adequacy of networks  
25 by exercising oversight of Internet service providers’ emergency preparedness and plans for post-  
26 emergency network restoration, including establishing minimum power back-up requirements and  
27 requiring all internet service providers to maintain networks sufficiently to ensure reliable and safe  
28 communications services.

29 (3) Data Collection. -- The council shall require Internet service providers to report data on  
30 the deployment/availability, pricing and adoption of VoIP and broadband service.

31 (d) The council shall conduct evaluations and audits of facilities and infrastructure used to  
32 provide high-speed Internet service and evaluate facilities and infrastructure in regards to areas

33 of public safety, resiliency, broadband and anything else the council deems relevant to achieving  
34 goals of resiliency, quality and public safety in broadband service as well as the overall goals of  
35 universal access and affordability of broadband service.

36 (e) The council shall report annually to the Legislature on progress towards achieving  
37 goals of resiliency, public safety and quality of broadband and VoIP service.

NOTE: The purpose of this bill is to ensure resiliency, public safety and quality of broadband and VoIP service.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.