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H.121

Introduced by Representative Morrow of Weston

Referred to Committee on

Date:

Subject: Broadband; internet access service; consumer protection; affordability

Statement of purpose of bill as introduced: This bill proposes to require internet service providers to offer and provide affordable broadband service to eligible low-income consumers.

An act relating to affordable broadband service

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 9 V.S.A. § 2466d is added to read:

§ 2466d. AFFORDABLE BROADBAND SERVICE

(a) On or before October 1, 2025, an internet service provider engaged in the provision of broadband service shall offer and provide affordable broadband service to eligible low-income consumers.

(b) As used in this section:

(1) “Affordable broadband service” means:

(A) Broadband service capable of a download speed of at least 25 Mbps at a monthly price of not more than \$15.00, inclusive of any recurring

1 taxes and fees such as recurring rental fees for provider equipment required to
2 obtain broadband service and usage fees.

3 (B) Broadband service capable of a download speed of at least 200
4 Mbps at a monthly price of not more than \$20.00, inclusive of any recurring
5 taxes and fees such as recurring rental fees for provider equipment required to
6 obtain broadband service and usage fees.

7 (2) “Broadband service” means a mass-market retail service by wire or
8 radio in Vermont that provides the capability to transmit data to and receive
9 data from all or substantially all internet endpoints, including any capabilities
10 that are incidental to and enable the operation of the communications service
11 provided by a wireline or fixed wireless service provider, but shall not include
12 dial-up internet access service.

13 (3) “Internet service provider” or “provider” means a business that
14 provides broadband service to any person in Vermont.

15 (4) “Low-income consumer” means a household that qualifies for
16 participation in:

17 (A) the federal Lifeline program under criteria established by the
18 Federal Communications Commission or other federal law or regulation; or

19 (B) the Home Heating Fuel Assistance Program established under
20 Title 33, chapter 26.

1 (c) The Public Utility Commission shall adopt by rule the following
2 provisions:

3 (1) The time and manner in which the prices established in subdivisions
4 (b)(1)(A) and (B) of this section may be adjusted to account for inflationary
5 changes as measured by the Consumer Price Index, but in no event may the
6 monthly price be increased by more than two percent per year.

7 (2) Standards and procedures for waiving, upon a provider's request, the
8 minimum speed requirement specified in subdivision (b)(1)(A) of this section
9 but only if the Commission determines such download speed is not reasonably
10 practicable under the circumstances and specifies an alternative minimum
11 download speed.

12 (3) Standards and procedures for exempting an internet service provider
13 from the requirements of this section if:

14 (A) the provider provides broadband service to not more than 20,000
15 customers; and

16 (B) the Commission determines compliance with the requirements of
17 this section would have an unreasonable or unsustainable financial impact on
18 the provider.

19 (4) A process for ensuring that any contract or agreement for affordable
20 broadband service entered into pursuant to this section has the same terms and

1 conditions, other than price and speed, as the regularly priced offerings for
2 similar broadband service provided by the provider.

3 (d) Beginning on November 15, 2025, and annually thereafter, an internet
4 service provider shall submit to the Department of Public Service a compliance
5 report, which shall include the following information:

6 (1) a description of the affordable broadband service offered pursuant to
7 this section;

8 (2) the number of customers receiving affordable broadband service;

9 (3) a description of the procedures used to verify customer eligibility for
10 affordable broadband service;

11 (4) a description and samples of the advertising or marketing efforts
12 undertaken to advertise or promote affordable broadband service;

13 (5) a description of all retail rate products, including pricing, offered by
14 the provider;

15 (6) a description, including speed and price, of all broadband products
16 offered in Vermont;

17 (7) the number of customers in arrears for broadband service, the
18 percentage of customers in arrears that qualify for affordable broadband
19 service, the number of customers that have had their service terminated for
20 nonpayment, the number of customers whose service was terminated for
21 arrears arising from nonpayment for services other than broadband service, and

1 the number of customers that have had their broadband service restored after
2 being delinquent on their payments; and

3 (8) any other information the Commissioner deems necessary and
4 relevant to carrying out the purpose of this section.

5 (e) Beginning on or before October 1, 2027, and not less than every five
6 years thereafter, the Commissioner of Public Service shall undertake a
7 proceeding to:

8 (1) determine if the minimum download speed requirement established
9 under subdivision (b)(1)(A) of this section should be increased to correspond
10 with the Federal Communications Commission's benchmark for high-speed
11 fixed broadband, or to another minimum download speed deemed appropriate
12 by the Commissioner; and

13 (2) review the consumer eligibility requirements established under
14 subdivision (b)(4) of this section and determine whether those requirements
15 should be updated to meet the needs of consumers.

16 (f) Beginning on or before December 15, 2026, and annually thereafter and
17 notwithstanding the limitation in 2 V.S.A. § 20(d), the Commissioner of Public
18 Service shall submit to the General Assembly a report that includes:

19 (1) a narrative description of the aggregated data obtained from the
20 annual compliance reports submitted pursuant to subsection (d) of this section;

1 (2) any recommended increase to the minimum download speed
2 established in subdivision (b)(1)(A) of this section;

3 (3) any recommended update to the consumer eligibility requirements
4 established in subdivision (b)(4) of this section; and

5 (4) any other findings and recommendations the Commissioner deems
6 necessary and appropriate to the implementation of this section.

7 (g) An internet service provider shall make all commercially reasonable
8 efforts to promote and advertise the availability of affordable broadband
9 service, including the prominent display of, and enrollment procedures for,
10 such service on the provider's website and in any written and commercial
11 promotional materials developed to inform consumers who may be eligible for
12 affordable broadband service pursuant to this section. In addition, the
13 Department of Public Service shall undertake appropriate measures to inform
14 the public about available broadband products, including retail rate products
15 and affordable broadband service offerings.

16 (h) An internet service provider who violates a provision of this section
17 commits an unfair and deceptive act in commerce in violation of section 2453
18 of this title.

19 (i) An internet service provider who willfully and knowingly violates a
20 provision of this section shall be liable for a civil penalty of up to \$1,000.00
21 per violation.

- 1 Sec. 2. EFFECTIVE DATE
- 2 This act shall take effect on passage.