

Proposed Int. No. 625-A

By Council Members Brewer, Boyland, Comrie, Fidler, Gerson, Gonzalez, James, Liu, Nelson, Palma, Recchia Jr., Sears, Weprin, Jackson, DeBlasio and The Public Advocate (Ms. Gotbaum)

A Local Law

To establish a temporary advisory committee to advise the mayor and the speaker of the council on issues pertaining to access to broadband technologies within the city of New York.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. Access to broadband, a high-speed connection to the Internet, is becoming increasingly essential to New York City's residents, not-for-profit organizations, and businesses. Such high-speed connections enable the fast relay of voice and data that many have come to expect. Additionally, broadband connections are necessary for conveying images, sounds and video, all of which require large amounts of bandwidth.

Broadband connections are improving the quality of life across all ages and sectors. Schoolchildren can communicate with their teachers quickly and easily, as well as complete homework projects that involve on-line multi-media educational resources. Home-bound seniors may use broadband to connect with doctors who can relay test results in real time. Broadband also benefits businesses and not-for-profit organizations.

Due to the important role of broadband in the city, the council of the city of New York deems it useful to create a broadband advisory committee to advise the mayor and the speaker of the council on issues pertaining to access to broadband technologies and to gather information and data regarding the needs of residents that access to broadband might be able to address. This local law is in support of the mayor's telecommunications

plan and seeks to supplement and not duplicate the findings in the mayor's telecommunications plan or the work of the mayor's telecommunications policy advisory group. The findings of this committee shall be used to inform the agencies implementing the recommendations of the mayor's telecommunications plan and the mayor's telecommunications policy advisory group.

§2. Broadband Advisory Committee. a. There shall be an advisory committee, to be known as the Broadband Advisory Committee, which shall review the ways and methods of using municipal resources to accelerate the build-out of current, emerging and any newly developed broadband technologies and other advanced telecommunications and information services, such as cable, digital subscriber line ("DSL"), broadband over power lines ("BPL"), any other wire-based methods, Wi-Fi, WiMAX, and any other wireless technologies, within the city of New York.

b. The broadband advisory committee shall be comprised of fifteen members, seven of whom shall be appointed by the speaker of the council, and eight of whom shall be appointed by the mayor. The committee shall select a chairperson from among the members of the committee. The members shall be appointed within thirty days of the enactment of this local law and shall serve without compensation. Each member may be removed for cause at any time by the original appointing authority and any vacancy shall be filled in the same manner as the appointment of the departing member was made.

c. The committee shall be deemed established upon the appointment of seven of its members and shall continue until December 31, 2008.

d. The committee shall meet as many times as it deems necessary but in no event shall it meet less often than two times in the first calendar year. The committee shall also

hold at least one public hearing in the first year in each borough to educate the public on new technologies and policies and to accept public comment. The committee shall also accept comments received through email and regular mail. Any comments accepted by the committee shall also be made available to the general public by being posted on the city's website. Thereafter, the committee shall meet as many times as it deems necessary but in no event shall it meet less often than two times in the next two years. The committee shall hold at least one public hearing in each borough in the next two years to educate the public on new technologies and policies and to accept public comment. The committee shall continue to accept comments received through email or regular mail, and comments accepted by the committee shall also be made available to the general public by being posted on the city's website.

e. For the purposes of this local law, the presence of seven members shall be deemed a quorum. In the presence of a quorum, any act taken by a majority of those present shall be deemed an act of the committee.

f. The committee shall be comprised of, but not limited to, persons with expertise in the following areas:

1. Business, technology, industrial organization, and economics;
2. The not-for-profit and philanthropic communities;
3. Technology, telecommunications, privacy, antitrust, and information law and regulation; and
4. Such other areas as the appointing authorities deem appropriate.

g. The committee shall report its findings and recommendations to the mayor and the speaker of the council at least once a year. Such findings shall be used to inform the

agencies implementing the recommendations of the mayor's telecommunications plan and the mayor's telecommunications policy advisory group. The findings and recommendations shall also be made available to the general public by being posted on the city's website. Such report shall contain, but not be limited to:

1. An identification of the geographic areas of the city where the committee deems broadband technologies and telecommunications and information services are needed and which technologies will best serve these areas;

2. An analysis of the current broadband and other advanced telecommunications and information services market, including, but not limited to, an assessment of current providers' and intermodal competitors' offerings, levels of competition, pricing, innovation, customer service and overall responsiveness to consumer demand; and

3. Recommendations that the mayor and the speaker of the council may implement regarding the mandate set forth in subdivision a of section two of this local law, including, but not limited to, possible incentives for telecommunications companies and broadband service providers to deploy affordable access to broadband technologies and other advanced telecommunications and information services in areas of the city where such technologies are needed.

h. The department of information technology and telecommunications and any other city agency may make available to the committee any relevant information concerning broadband technologies and telecommunications and information services.

§3. This local law shall take effect immediately upon its enactment. .