

1 3/27/2024 - Commission's Broadband Study - 22-M-0313

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 CASE 22-M-0313 - In the Matter of the Commission's
5 Broadband Study and Mapping Pursuant to the
6 Broadband Connectivity Act.

7 PUBLIC STATEMENT HEARING

8 DATE: March 27, 2024 at 1:00 p.m.

9 VENUE: WebEx

10 BEFORE: ALJ JAMES COSTELLO

11 ALJ LEAH AMYOT

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15 Reported by Howard Hubbard
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2 (The hearing commenced at 1:00 p.m.)

3 A.L.J. COSTELLO: I call Case 22-M-
4 0313 in the Matter of the Commission's Broadband
5 Study and Mapping pursuant to the Broadband
6 Connectivity Act. Good afternoon. We are here today
7 for a public statement hearing that was noticed on
8 March 5th, 2024. This public statement hearing
9 concerns the Public Service Commission's study and
10 mapping of broadband service which means high speed
11 internet service.

12 In a minute we will have a
13 presentation from Department of Public Service staff
14 about this study and what we are looking to learn
15 from the public. Public statement hearings to be
16 held today, now and later at 6 o'clock this evening
17 are intended for public input into the study.

18 My name is James Costello. I am an
19 administrative law judge with the Department of
20 Public Service. With me here today is Leah Amyot
21 also an administrative law judge with the Department
22 of Public Service, and together we're responsible for
23 presiding over the hearings in these case -- in this
24 case. This matter is currently before the Public
25 Service Commission and the study is being conducted

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2 by Department of Public Service staff.

3 The commission consists of five
4 members, and before we get into the details or
5 further details of the study, I want to explain to
6 you the way that you can comment in this matter other
7 than by speaking at these public statement hearings.
8 If you did not register to speak at one of the
9 hearings but you would like your views included in
10 the record, there are a variety of other ways to
11 comment that are listed in the public notice for
12 these hearings.

13 For those of you with computer access
14 we're showing the slide with the other ways to
15 comment and all of the details are, again, are in the
16 March 5th public notice for today -- today's event.
17 A brief summary -- summary of it you can submit
18 comments by department's website, by regular mail or
19 by telephone. And no matter how they are submitted
20 they will be given equal weight.

21 Staff will explain to you in a minute
22 how you can participate also by completing our
23 broadband assessment study and our speed test.
24 Comments may be submitted and will be considered
25 throughout the pendency of this proceeding. However,

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2 because the study needs to be done in a timely way,
3 we would appreciate if you provide your input by
4 April 10th.

5 Justin Maloney from the Department of
6 Public Service staff will now have a brief
7 presentation explaining the study and the kinds of
8 information that we're hoping to get from the public.
9 Mr. Maloney's presentation will not be a question and
10 answer -- in a question and answer format, and at
11 this point I'm going to turn it over to Mr. Maloney
12 for his presentation.

13 MR. MALONEY: Thank you, your Honor.
14 In April 2021 the legislature passed the
15 comprehensive Broadband Connectivity Act of 2021.
16 The bill directed the Public Service Commission to
17 study on an annual basis the availability,
18 reliability and cost of high speed broadband service
19 in New York State. The Department of Public
20 Service's Office of Telecommunications has dedicated
21 a team responsible for conducting the study and
22 annual updates that are required by the act among
23 which includes a first of its kind interactive map
24 with details, address level descriptions of New
25 York's broadband infrastructure. We are committed to

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2 making this tool something that can be used by
3 everyone and we need your input to understand what's
4 happening in your communities. Next slide please.

5 Mapping broadband infrastructure is no
6 small task that's why we used a three-pronged
7 approach. We're using internet service provider data
8 to help us assess gaps statewide. We're conducting
9 field verification of high speed infrastructure where
10 necessary and we're hearing straight from the
11 consumer via our broadband assessment survey, the
12 feedback tab on our broadband map web page and
13 through our series of public statement hearings.
14 Next slide please. Thank you.

15 We want to hear about your internet
16 accessibility barriers. Among other topics, we're
17 interested in hearing from those of you who are
18 dealing with the following: You lack internet
19 service entirely, internet is unaffordable to you,
20 you lack I.S.P. competition in your area and you
21 don't feel like you're getting the speed that you
22 paid for.

23 You can visit New York's Public
24 Service Commission broadband map at
25 mapmybroadband.dps.ny.gov. In addition to typing in

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2 your address and learning more about service in your
3 area, you can also submit feedback directly to D.P.S.
4 staff and we encourage you to take our broadband
5 consumer survey. We hope everyone on this call will
6 take this survey by April 10th, 2024.

7 If you're unable to take the survey
8 online due to lack of connectivity, you can call our
9 toll free broadband assessment line at 1-855-NYBBMap
10 or 1-855-692-2627. We want to make every
11 participating New Yorker aware about the wind down of
12 the F.C.C.'s Affordable Connectivity Program also
13 known as the A.C.P. The program provided discounts
14 for an internet service and this program is sun
15 setting in April 2024. You can visit www.fcc.gov/acp
16 [or call 877-384-2575](tel:877-384-2575) for more information about the
17 wind down. Thank you.

18 A.L.J. COSTELLO: Thank you, Mr.
19 Maloney. I'd now like to explain the process that
20 we're going to follow today with respect to the
21 public statement hearing. As I said earlier, the
22 purpose of our hearing is to provide you with an
23 opportunity to tell the commission your thoughts on
24 the issues in this proceeding.

25 The statements that you make today

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2 will become part of the case record. We have a court
3 reporter joining us who will prepare a transcript of
4 the hearing which will be included in the official
5 record of this proceeding so that your comments can
6 be considered by the members of the commission. When
7 it is ready, the transcript will be available for
8 view on the Department of Public Service's website.
9 The hearing is not an evidentiary hearing with cross
10 examination nor is it a question and answer session.
11 It's a forum to hear comments from you.

12 If you're going to speak today, you
13 should make sure you only use one audio input and one
14 audio output on your end otherwise we may experience
15 problems with feedback when you're speaking. If
16 you're having technical problems making your
17 statement, we are monitoring an 800 number used for
18 calling in registrations and will try to help with
19 the problem. That number is in the notice of these
20 hearings and is 1-800-342-3330. I would remind you
21 to please speak slowly so that the court reporter can
22 accurately capture your statements for the record.

23 We have had only one person who
24 preregistered to speak today and I cannot -- and it
25 looks like that person is not participating

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2 electronically so what I'm going to do is call out
3 the name of the person. If you are participating by
4 telephone, what you have to do is hit Star 3 and that
5 what -- that way we can recognize you and unmute your
6 line. You'll hear a beep and once we can hear you
7 you can begin to make your statement.

8 The person that we have registered for
9 today is Ryan Flinton and if Ryan Flinton is
10 attending and is participating by telephone we'd ask
11 you to please hit Star 3.

12 MR. WHITE: I'm not seeing any raised
13 hand.

14 A.L.J. COSTELLO: Oh, okay. Thank
15 you. Nor am I. Okay. So what we're going to do,
16 we'll go back and -- and try Mr. Flinton again. But
17 since we have time I'm going to open up the floor to
18 people who may not have registered to speak but who
19 would now like to make a statement. If you're
20 participating electronically, what you would do is
21 use the raise hand function and you can look at your
22 screen that's up now on your -- front of you and it
23 shows you where the raise hand function is. You
24 would use that to -- so that we can identify you. If
25 you are participating by telephone and you would like

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2 to make a statement, we'd ask that you hit Star 3.

3 Okay. I -- I don't see anyone so what
4 I'm going to do is we're going to keep this open for
5 -- till -- till approximately 1:40. So what I'd like
6 to do or, you know, 1:40. What I'd like to do is
7 we're going to go off the record and periodically
8 I'll come back on and just see if we have anyone that
9 may be interested in providing a statement. So at
10 this point we'll go off the record.

11 (Off the record 1:11 p.m.)

12 (On the record 1:19 p.m.)

13 A.L.J. COSTELLO: We have had so far
14 no speakers at this public statement hearing. I have
15 been intermittently coming back and -- and asking
16 people if they want to give a statement and we've had
17 no -- no requests for people to comment. I'm going
18 to do so again and we had one person who had
19 registered that I would like to give an opportunity
20 if you're present. That's Ryan Flinton.

21 And if you're present and want to give
22 a statement and you are participating electronically
23 you would use the raise hand function. If you are
24 participating by telephone you would hit Star 3 so we
25 can recognize you. And I'd also at this point open

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2 it up for anyone else that may be interested in
3 giving a comment even though they did not register to
4 do so. And, again, if you're participating
5 electronically you would do that by using the raise
6 hand function. And if you are participating by
7 telephone you would hit Star 3 so that we can
8 recognize you and unmute your line.

9 Okay. I am not seeing any indication
10 that people want to give a comment. So what I'm
11 going to do is, again, go off the record and coming
12 back in say 5 or 10 minutes to check in again and --
13 and then we'll probably wrap it up shortly after
14 that. So we'll go off the record at this point.

15 (Off the record 1:21 p.m.)

16 (On the record 1:30 p.m.)

17 A.L.J. COSTELLO: I just wanted to
18 note for the record that I have been periodically
19 asking whether people wanted to make a comment or
20 whether they were participating electronically or by
21 telephone. And we so far have not had anybody that
22 has indicated any interest in making a comment. In
23 addition, we had one person who registered to make a
24 comment who as of yet has not been participating.

25 I am going to open it up one more

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2 time, so if Mr. Ryan Flinton is present and you would
3 like to make a comment you can do so by -- if you're
4 participating by -- electronically, you can do so by
5 hitting the raise hand function which is on the
6 screen in front of you and instructions on how to do
7 that. And if you are participating by telephone you
8 can hit Star 3 that's so that we can recognize you
9 and unmute your line.

10 Okay. And I just want to confirm with
11 Mr. White I -- I don't see anyone raising their hand
12 or --.

13 MR. WHITE: We have a raised hand,
14 your Honor.

15 A.L.J. COSTELLO: We do? Okay. And
16 so without Mr. Flinton I'm going to open it up and it
17 looks like we have Tessie Mar so can you unmute for
18 her?

19 MS. MAR: I have a question.

20 A.L.J. COSTELLO: Hello.

21 MS. MAR: Yeah, can you hear me?

22 A.L.J. COSTELLO: We can hear you.

23 Would you like to make a comment?

24 MS. MAR: Would I be able to ask a
25 question?

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2 A.L.J. COSTELLO: No, this is not a --
3 it's not a forum for question and asking. It's just
4 a -- a forum for you to give your comments so that
5 the commission can may consider your comments. If
6 there are questions that you have, I don't know if
7 Mr. Maloney is here if he -- if he can give you
8 directions on who to, you know, you may be able to
9 contact with questions. But at this session there --
10 there is no question and answer process.

11 MR. MALONEY: Yes, your Honor.
12 Actually, Tessie, if you would like to send us an e-
13 mail at Broadbandmapping@dps.ny.gov we'll be happy to
14 take any questions at that e-mail. Again, that is
15 Broadbandmapping@dps.ny.gov.

16 A.L.J. COSTELLO: Okay.

17 MR. WHITE: We're going to show that
18 slide up there on the screen with that information on
19 it, is that correct?

20 MS. MAR: I -- I think so. Okay.
21 Thank you.

22 A.L.J. COSTELLO: Thank you.

23 MR. WHITE: Sangeetha, do we have a
24 slide with that information on it? There we go. Is
25 that it?

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2 A.L.J. COSTELLO: No, that -- that's
3 not the one. I believe it would be part of the
4 presentation, earlier presentation. So it would be
5 earlier slides. All right. So you have to go down -
6 - go down a little bit, go down a few slides.

7 MR. WHITE: Is that it right there,
8 your Honor? Right there, the broadband map?

9 A.L.J. COSTELLO: Mr. Maloney, do you
10 know which slide it is that has the information?

11 MR. MALONEY: Yes, that is the correct
12 slide, your Honor.

13 A.L.J. COSTELLO: Okay.

14 MR. MALONEY: Actually, if Tessie
15 would like to leave a comment she can, again, go to
16 the e-mail I just mentioned. Or if she goes to that
17 website she'll be able to submit any comments and
18 concerns as well as taking the survey directly
19 through that website.

20 A.L.J. COSTELLO: Thank you.

21 MR. MALONEY: Thank you.

22 A.L.J. COSTELLO: Okay. Again, if
23 there's -- I'll give you one more opportunity for
24 people that are attending. If you want to make a
25 comment today, if you're participating electronically

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2 you would use the raise hand function. If you are --

3 .

4 MR. WHITE: Your Honor?

5 A.L.J. COSTELLO: Yes.

6 MR. WHITE: We just had a few people
7 join late. They're -- they're not in -- they're just
8 coming in right now so --

9 A.L.J. COSTELLO: Okay.

10 MR. WHITE: -- if you want to give
11 that -- I'll give your some an opportunity.

12 A.L.J. COSTELLO: Sure.

13 MR. WHITE: They're just coming in
14 now. I'm just seeing them signing up right now.
15 Okay. So they're in now. You can ask -- you can ask
16 your question.

17 A.L.J. COSTELLO: Well, I do notice
18 that -- that Mr. -- Ryan Flinton is here now and
19 since you have registered to speak we're going to
20 give you the opportunity to speak now. So let us --
21 let's unmute his line.

22 MR. WHITE: He has been unmuted.

23 MR. FLINTON: Ryan Flinton. I just
24 wanted to -- I apologize, I missed the first half
25 hour of the hearing. But I just wanted to pass on

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2 that, you know, availability of broadband within our
3 particular small town of Galway, while we have good
4 coverage through a large portion of the town, we have
5 some pockets that have just never been -- never been
6 filled in. We're served by a single high speed
7 internet provider which is Spectrum. And it's just -
8 - it's a -- it's a huge -- it's a huge challenge for
9 us for a small number of residents within the town,
10 you know. And this isn't even new construction.

11 These are -- these are houses that
12 were built long before the predecessor Time Warner
13 even ran cable T.V. into the area that just never got
14 service. You know, we're struggling with how to --
15 how to get broadband for all of our residents. So
16 I'm looking forward to anything that comes out of
17 this and -- and anything we can help move it along
18 either with additional high speed internet providers
19 that could possibly service our area or -- or any
20 assistance from the Public Service Commission on --
21 on helping to motivate the -- the companies to extend
22 broadband coverage.

23 A.L.J. COSTELLO: Okay. Thank you
24 very much for your comment. Okay. I'm going to open
25 it up also to -- is anyone else, again, if you are

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2 present and would like to make a comment even though
3 you have not registered to do so, you can do that by
4 -- if you're participating electronically by using
5 the raise hand function and instructions on how to do
6 that are on the screen before you. If you are
7 participating by telephone you would hit Star 3 so we
8 can recognize you and unmute your line.

9 Mr. White, I just want to confirm that
10 I don't see anybody indicating that they would like
11 to make a statement.

12 MR. WHITE: No, I don't see anybody.
13 But we just had somebody else join just now as well.
14 It's just at 1:37 just right -- just now doing --
15 going on. See if they want to give a comment or?

16 A.L.J. COSTELLO: Sure.

17 MR. WHITE: Sorry about that. Sorry
18 about that.

19 A.L.J. COSTELLO: So --.

20 MR. WHITE: Seems like people are
21 coming in late to this hearing.

22 A.L.J. COSTELLO: What we've been
23 doing is if you are participating and even though you
24 haven't registered to speak at today's public
25 statement hearing or this afternoon's public

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2 statement hearing, we're giving you an opportunity to
3 make a comment. If you would like to do so --.

4 MR. WHITE: We have a raised hand,
5 your Honor.

6 A.L.J. COSTELLO: we have a raised
7 hand. Okay. Let us unmute that person.

8 MR. WHITE: Yes. Just please state
9 your name for the record. You have been unmuted,
10 please state your name for the record.

11 MS. NELSON: Yes, my name is Curlene
12 Nelson and I'm calling from the **(unintelligible)**
13 area. This is in the Springfield Garden south of
14 Queens. Though we have pretty good broadband
15 connectivity, we believe that a more monopolized way
16 of accessing broadband we believe that the -- the
17 cost that we're paying over here would be a little
18 bit less. Now our community is somewhat seniors, so
19 our suggestion is that when broadband is fully
20 deployed, especially in this area, that our seniors
21 understand what broadband is. Understand what it
22 does for them and understand their choices. Thank
23 you.

24 A.L.J. COSTELLO: Thank you.

25 THE COURT REPORTER: This is the court

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2 reporter. Can I get the spelling of the first name
3 please of Ms. Nelson?

4 MS. NELSON: C-U-R-L-E-N-E.

5 THE COURT REPORTER: Thank you.

6 A.L.J. COSTELLO: Thank you. All
7 right. With that I just want to remind everyone that
8 we are going to be holding another public statement
9 hearing this evening at six p.m. And also that you
10 may submit public comments throughout the pendency of
11 this proceeding by the other means that were
12 described earlier and contained in the notice of
13 public statement hearing issued on March 5th.

14 And we also ask that if you do provide
15 comments we ask that if you -- to the extent you can
16 that you provide them by -- by April 10th so that we
17 have them in time to adequately incorporate them into
18 the report in consideration when the report is done
19 in this case.

20 And I'd like to thank the people that
21 commented here today as well as Mr. White and Ms. --
22 Ms. Kailas from our consumer services office for
23 administering this session. Our Mr. Maloney for
24 providing the presentation on broadband and to Mr.
25 Hubbard our court reporter. And with that our

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2 hearing is concluded and we're going to go off the
3 record.

4 (The hearing concluded at 1:41 p.m.)
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2 STATE OF NEW YORK

3 I, HOWARD HUBBARD, do hereby certify that the foregoing
4 was reported by me, in the cause, at the time and place,
5 as stated in the caption hereto, at Page 1 hereof; that
6 the foregoing typewritten transcription consisting of
7 pages 1 through 19, is a true record of all proceedings
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 2nd day of April, 2024.

11

12 HOWARD HUBBARD, Reporter

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