

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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

NOTICE OF PUBLIC STATEMENT HEARINGS
AND REQUESTING PUBLIC COMMENTS

(Issued March 5, 2024)

On April 16, 2021, the Governor and Legislature enacted the Comprehensive Broadband Connectivity Act of 2021 (the Act), which amended the Public Service Law by adding a new §224-c that directs the Public Service Commission (Commission) to study, on an annual basis, the availability, reliability, and cost of high-speed broadband service in the State to ensure that all New Yorkers have the necessary affordable access going forward. The Act also requires the Commission to submit a report of its findings and recommendations to the Governor, the President Pro Tempore of the Senate, and the Speaker of the Assembly. The Commission released its first report on June 16, 2022, and its second report on June 29, 2023, and is preparing its third annual report.

Accordingly, public comment is requested concerning the availability, reliability, and affordability of residential and commercial broadband internet access services in the State of New York. Two virtual public statement hearings will be held to obtain public comment on these topics. Public comment, and especially the personal experience of commenters, should address topics including, but not limited to:

- Locations where broadband internet service with at least 25 Megabits per second (Mbps) downstream and

1 Mbps upstream is not available, and what barriers are in place that limit its availability;

- Locations where the offered download speed(s) of internet service are greater than 25 Mbps but less than 100 Mbps downstream;
- Locations where there is only one broadband internet service provider;
- Locations where broadband internet service is too costly for some consumers or businesses, and the size of the cost barriers.

Public comment is requested from individuals; internet service providers; labor organizations; public safety organizations; and healthcare, educational, agricultural, and other businesses and organizations.

Each public statement hearing will be preceded by a brief informational session at which Department of Public Service (Department) staff will outline the Department's information gathering process.

All New York State residents, whether or not they make statements at the hearings, are strongly encouraged to participate in the Department's data gathering project by completing a broadband speed test and survey available at <https://mapmybroadband.dps.ny.gov>. This survey may be completed online at home, on cell phones, or at local libraries with internet access. New York State residents unable to take the survey online due to lack of connectivity should contact the Department's toll-free hotline at 1-855-NYBBMAP (1-855-692-2627) to request that a paper version of the survey be sent to their homes with a return envelope and pre-paid postage.

PLEASE TAKE NOTICE that two public statement hearings will be held virtually before the assigned Administrative Law Judge (ALJ), as follows:

1. **DATE:** **Wednesday, March 27, 2024**
 TIME: **1:00 p.m.**

Electronic Access: <https://signin.webex.com/join>
Event Number: 2339 710 6416
Password: MAR27-1pm

Phone-Only Access: 1-518-549-0500
Access Code: 2339 710 6416
Password: 62727018

2. **DATE:** **Wednesday, March 27, 2024**
 TIME: **6:00 p.m.**

Electronic Access: <https://signin.webex.com/join>
Event Number: 2330 110 4837
Password: MAR27-6pm

Phone-Only Access: 1-518-549-0500
Access Code: 2330 110 4837
Password: 62727068

Those wishing to comment on any aspect of this proceeding will have the opportunity to make a statement on the record at the virtual public statement hearings. **Any person wishing to provide a public statement must pre-register by 4:30 p.m. on Monday, March 25, 2024.**

To pre-register and participate electronically:

This option is for participants who would like to provide a statement and will log in to the hearing electronically. Participants must pre-register by **4:30 p.m. on Monday, March 25, 2024**. When pre-registering, participants must click on <https://signin.webex.com/join> then enter the event

number for the hearing, then click "Continue" and then "Register" and then provide the requested information.

When logging in to the hearing on the appropriate date and time, participants should click on <https://signin.webex.com/join>, enter the appropriate meeting number for the hearing, and input the webinar password listed above. Participants will be asked to "select audio system." It is recommended that participants opt to have the system "call me" or "call using computer." The "call me" option will require participants to enter their phone numbers.

To pre-register and to participate by phone:

This option is for participants who are unable to log in to the hearing electronically, but who wish to participate by phone. Call-in participants wishing to make a statement must pre-register by **4:30 p.m. on Monday, March 25, 2024**, by calling **1-800-342-3330**, where they should follow prompts to the appropriate hearing and provide the following information: first name and last name, address, and phone number.

On the appropriate day and time of the hearing, call-in users should dial **518-549-0500** and enter the appropriate access code and phone-in password listed above to join the hearing.

All participants will be muted upon entry into the hearing. The ALJ will call upon each person who has registered to speak. The ALJ will continue the hearing until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. Time limits may be set for each speaker as necessary to afford all attendees an opportunity to be heard. It is recommended that lengthy comments be submitted in writing and summarized for oral

presentation. A verbatim transcript of the hearing will be made for inclusion in the record of this case.

To listen to the hearings:

This option is for those who wish to listen only, without making a statement. Pre-registration is not required for this option.

The hearings will be livestreamed on the internet and available for viewing on the Department's YouTube channel on the date and at the times listed above. To access the YouTube channel, visit the Department's website, www.dps.ny.gov, and click on the YouTube icon at the bottom of the homepage. In addition, any person without internet access may listen to the hearings by phone by calling **1-518-549-0500** and entering the applicable access code and phone-in password.

Persons with disabilities requiring special accommodations should call the Department's Human Resources Management Office at 518-474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call the Department at 1-800-342-3377 for free language assistance services regarding this Notice.

Other Ways to Comment:

For those who cannot attend or prefer not to speak at the public statement hearings, there are several other ways to provide your comments. Comments should refer to "Case 22-M-0313." **Although comments may be provided throughout the pendency of this proceeding, they are requested by April 10, 2024.**

Internet or Mail: Go to www.dps.ny.gov, click on "File Search" (located under the heading "Commission Files"),

enter "22-M-0313" in the box labelled "Search by Case Number," and then click on "Post Comments" located at the top right of the page.

Alternatively, comments may be mailed to the Hon. Michelle L. Phillips, Secretary, New York State Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350.¹ All written comments will become part of the record considered by the Commission and may be accessed on the Department's website by searching the case number, as described above, and clicking on the "Public Comments" tab.

Toll-Free Opinion Line: Individuals may submit comments by calling the Commission's Opinion Line at 1-800-335-2120. This number is set up to take in-State calls 24-hours a day. These calls are not transcribed verbatim, but a summary is provided to the Commission.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

¹ Filing electronically is strongly encouraged.