

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 25-M-0200 - Proceeding on Motion of the Commission
Concerning Broadband Download Speeds Under the
Affordable Broadband Act.

NOTICE INVITING COMMENTS

(Issued May 20, 2025)

On April 24, 2025, the Public Service Commission (Commission) initiated a proceeding to determine the appropriate minimum broadband download speed pursuant to New York's Affordable Broadband Act (ABA).¹ The ABA, enacted on April 16, 2021, requires, among other things, certain Internet Service Providers (ISPs) operating in New York to offer internet service at specific download speeds and prices to qualifying households.

General Business Law (GBL) §399-zzzzz(3) and (4) requires ISPs with greater than 20,000 customers to offer at least 25 Megabits per second (Mbps) broadband service download speed for \$15 per month. An ISP offering 200 Mbps for \$20 per month is also considered to be in compliance with the ABA. Qualifying ISPs are not, however, required to offer both services at the same time under the ABA.

The ABA also requires the Department of Public Service (Department) to, within two years of the effective date of the ABA (i.e., April 16, 2023) and at least every five years thereafter, undertake a proceeding to determine if the minimum broadband download speed should be increased to the Federal Communications Commission's (FCC) broadband download speed, or

¹ Case 25-M-0200, Order Initiating a Proceeding to Determine the Appropriate Minimum Download Speed Pursuant to the Affordable Broadband Act (issued April 24, 2025).

to another minimum broadband download speed if the FCC has not increased its benchmark by such date.²

The full text of the Commission's April 24, 2025 Order, and the full record of the proceeding may be reviewed online at the Department of Public Service website at www.dps.ny.gov.

PLEASE TAKE NOTICE that in accordance with GBL §399-zzzzz(9), comments are requested on (1) whether to increase the minimum broadband download speed to the FCC's current benchmark (i.e., 100 Mbps), or to another minimum broadband download speed; and (2) whether the ABA should apply to services delivered to customers using Digital Subscriber Line technology that may not consistently deliver speeds of 25 Mbps, excluding dial-up. All comments should reference "Case 25-M-0200" and must be submitted by **July 28, 2025**. Comments received after the deadline may not be considered by the Commission.

Internet or Mail: Go to www.dps.ny.gov, click on "File Search" (located under the heading "Commission Files"), enter "25-M-0200" in the box labeled "Search by Case Number," and then click on "Post Comments" at the top of the page.

Comments shall be filed electronically unless the filing party certifies that it is unable do to so, in which case comments may be mailed to the Hon. Michelle L. Phillips, Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223-1350, together with the required, signed certification.

All written comments submitted to the Secretary will become part of the record of the proceeding in which they are submitted and may be viewed on the Department's website by searching the case number, as described above, and clicking on

² General Business Law §399-zzzzz(9).

the "Public Comments" tab. However, as noted above, untimely comments may not be considered by the Commission.

For information and instructions related to subscribing to the service list or otherwise monitoring the status of this proceeding, please access the Department's website at:

<https://documents.dps.ny.gov/public/MatterManagement/RequestAPStatus.aspx?MatterCaseNo=25-m-0200>.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary