

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 283

Short Title: Clarify Broadband Internet Access Definition. (Public)

Sponsors: Representatives K. Alexander, Coates, Tillis, Faison (Primary Sponsors);
Allred, Bryant, Gulley, Hughes, Johnson, and Lucas.

Referred to: Ways and Means/Broadband Connectivity, if favorable, Public Utilities.

February 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT CLARIFYING THE DEFINITION OF BROADBAND INTERNET ACCESS IN
3 NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 62-3(1) reads as rewritten:

6 "(1) 'Broadband service' means ~~any service that consists of or includes a~~
7 ~~high speed access capability to transmit at a rate of not less than 200 kilobits~~
8 ~~per second in either the upstream or downstream direction and either (i) is~~
9 ~~used to provide access to the Internet, or (ii) provides computer processing,~~
10 ~~information storage, information content, or protocol conversion, including~~
11 ~~any service applications or information service provided over such~~
12 ~~high speed access service. "Broadband service" does not include intrastate a~~
13 ~~connection to the Internet that provides capacity for transmission at an~~
14 ~~average speed of at least 1.5 megabits per second downstream and at least~~
15 ~~384 kilobits per second upstream, regardless of the technology or medium~~
16 ~~used to provide the connection. The term includes a connection to the~~
17 ~~Internet provided by wireless technology, copper wire, fiber-optic cable,~~
18 ~~coaxial cable, broadband over power lines, or other facilities or future~~
19 ~~technologies. The term does not include any of the following:~~

- 20 a. Value added services in which computer processing applications are
21 used to act on the form, content, code, or protocol of any information
22 transmitted.
23 b. Value added services providing text, graphic, video, or audio
24 program content for a purpose other than transmission.
25 c. The transmission of video programming or other programming
26 provided by (or generally considered comparable to programming
27 provided by) a television broadcast station or a radio broadcast
28 station, including cable TV, direct broadcast satellite, and digital
29 television.
30 d. Interstate service that was tariffed by the Commission and in effect
31 as of the effective date of this subdivision."

32 **SECTION 2.** G.S. 143B-437.45(4) reads as rewritten:

33 "(4) High-speed broadband Internet access. – Internet access with transmission
34 speeds ~~that are consistent with requirements for high speed broadband~~
35 ~~Internet access as defined by the Federal Communications Commission from~~
36 ~~time to time.~~ at an average speed of at least 1.5 megabits per second



1 downstream and at least 384 kilobits per second upstream, regardless of the
2 technology or medium used to provide the connection. The term includes a
3 connection to the Internet provided by wireless technology, copper wire,
4 fiber-optic cable, coaxial cable, broadband over power lines, or other
5 facilities or future technologies. The term does not include any of the
6 following:

7 a. Value added services in which computer processing applications are
8 used to act on the form, content, code, or protocol of any information
9 transmitted.

10 b. Value added services providing text, graphic, video, or audio
11 program content for a purpose other than transmission.

12 c. The transmission of video programming or other programming
13 provided by (or generally considered comparable to programming
14 provided by) a television broadcast station or a radio broadcast
15 station, including cable TV, direct broadcast satellite, and digital
16 television."

17 **SECTION 3.** This act is effective when it becomes law.