



Department of Public Service

Three Empire State Plaza, Albany, NY 12223-1350
www.dps.ny.gov

Public Service Commission
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Commissioners

March 7, 2023

Dear Community Leader/Elected Official:

On April 16, 2021, New York enacted the Comprehensive Broadband Connectivity Act of 2021, which directed the Public Service Commission (Commission) to prepare an annual study on the availability, reliability, and cost of high-speed broadband service in New York State. On June 16, 2022, the Commission release its first interactive broadband map and report.

The Commission is currently preparing its annual update to the report and invites public comment regarding the availability, affordability, and adoption of residential and commercial broadband internet access across the State. The purpose of the study is to ensure that all New Yorkers have the necessary affordable access to the internet going forward.

Topics for public comment include but are not limited to:

- locations where broadband service with at least 25 megabits per second (Mbps) downstream and 1 Mbps upstream is not available;
- locations that provide an internet download speed greater than 25 Mbps but less than 100 Mbps downstream;
- barriers to access of services such as high costs;
- locations where there is only one broadband internet service provider;
- reasons why individuals and businesses do not subscribe to broadband internet where it is available, and
- reasons why some consumers prefer to use cellular service rather than subscribed to wired or wireless broadband alternatives.

To ensure full public participation, the Commission will hold virtual public statement hearings on **March 21, 2023**, to solicit input and comments from your community regarding the annual study. The enclosed announcement provides detailed information on how to participate in the hearings and how to submit comments. Information regarding the case, including digitally adding your comments, can be found at www.dps.ny.gov. From the homepage, click on "Search," and enter the associated case number ([22-M-0313](#)) in the "Search by Case Number" field. For information about the study and survey, visit <https://mapmybroadband.dps.ny.gov>.

I would appreciate your assistance with informing your constituents about the public statement hearings and encouraging them to provide comments. It is the Commission's intent to facilitate and encourage active and meaningful participation throughout all its proceedings. We hope you will consider joining us.

Regards,

A handwritten signature in cursive script, appearing to read "Richard Berkley".

Richard Berkley
Consumer Advocate and Director
Office of Consumer Services

Enc.

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 INVITING PUBLIC COMMENTS

(Issued February 27, 2023)

On April 16, 2021, the Governor and the 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. On June 16, 2022, the Commission released the first of its kind interactive broadband map and report, and, in accordance with the Act, the Commission is preparing its annual update to that report.

As such, public comment is invited concerning the availability, affordability, and adoption 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;
- Reasons (including but not limited to cost or lack of interest in the service) why individuals or businesses do not subscribe to broadband internet service where it is available;
- Reasons why individuals or businesses use cellular service to access the internet rather than subscribe to wired or wireless broadband alternatives.

Public comment is requested from individuals; internet service providers; other telecommunications companies; 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 and the availability of a Federal program providing funding for income-eligible customers subscribing to broadband internet services.

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://nagmybroadband.sps.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, as follows:

1. **DATE:** Tuesday, March 21, 2023
TIME: 1:00 p.m.

Electronic Access: www.webex.com
Event Number: 2338 039 0319
Event Password: Mar21-1pm

Phone-Only Access: 518-549-0500
Access Code: 2338 039 0319

2. **DATE:** Tuesday, March 21, 2023
TIME: 6:00 p.m.

Electronic Access: www.webex.com
Event Number: 2347 623 2711
Password: Mar21-6pm

Phone-Only Access: 518-549-0500
Access Code: 2347 623 2711

Those wishing to comment on any aspect of the issues in 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 on the record at the hearings **must pre-register** by 4:00 p.m. on Friday, March 17, 2023. Pre-registration is not required for the information sessions.

To pre-register and provide a statement electronically:

Participants who would like to provide a statement and will log in to a hearing electronically must pre-register by the date and time indicated above by visiting www.webex.com, where they should click "Join" at the top right-hand corner of the screen, enter the appropriate event number listed above, and provide all requested information.

When logging in on the date and time of the hearing, 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 provide a statement by phone:

Any participant who is not able to log in to a hearing electronically may participate by phone. Call-in participants wishing to make a statement must pre-register by the date and time indicated above by calling **1-800-342-3330**, where they should follow prompts to the appropriate hearing and provide the following information: first and last names, address, and phone number.

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

To listen to the hearings:

Any person who would like to listen to the hearings without making a statement may access the hearings without pre-registering. The hearings will be livestreamed on the internet and available for viewing on the Department's YouTube channel on the date and 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 **(518) 549-0500** and entering the applicable access code listed above.

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 (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 will be accepted throughout the pendency of this proceeding, they are requested by April 3, 2023.**

Internet or Mail: Go to www.pps.ny.gov, click on "File Search" (located under the heading "Commission Files"), enter "22-M-0313" in the "Search by Case Number" field, and then click on the "Post Comments" box located at the top of the page.

Alternatively, comments may be mailed to the Hon. Michelle L. Phillips, Secretary, 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, as described above, and clicking on the "Public Comments" tab.

¹ Filing electronically is strongly encouraged.

Toll-Free Opinion Line: You may call the Public Service Commission's Opinion Line at (800) 335-2120. This number is set up to take comments about pending cases from in-State callers 24-hours a day. These comments are not transcribed verbatim, but a summary is provided to the Commission.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary