

REFERENCE TITLE: **broadband; internet protocol services; commission.**

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2357

Introduced by
Representatives Ortiz: Contreras P, De Los Santos, Sun

AN ACT

REPEALING SECTION 40-212, ARIZONA REVISED STATUTES; AMENDING TITLE 40, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 40-212; RELATING TO THE CORPORATION COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 40-212, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 40, chapter 2, article 1, Arizona Revised Statutes,
5 is amended by adding a new section 40-212, to read:

6 40-212. Broadband and voice over internet protocol services;
7 evaluations; audits; reports; definitions

8 A. THE COMMISSION SHALL OVERSEE BROADBAND SERVICE AND VOICE OVER
9 INTERNET PROTOCOL SERVICE. THE COMMISSION SHALL ADOPT RULES NECESSARY TO
10 IMPLEMENT THE OVERSIGHT OF BROADBAND SERVICE AND VOICE OVER INTERNET
11 PROTOCOL SERVICE IN THIS STATE, INCLUDING RULES:

12 1. TO ENSURE THE RESILIENCY AND RELIABILITY OF BROADBAND
13 INFRASTRUCTURE AND TO REQUIRE INTERNET SERVICE PROVIDERS TO SUBMIT
14 INFORMATION RELATED TO NETWORK RELIABILITY, INCLUDING OUTAGE REPORTING.

15 2. TO ENSURE THE PUBLIC SAFETY AND ADEQUACY OF NETWORKS BY
16 EXERCISING OVERSIGHT OF INTERNET SERVICE PROVIDERS' EMERGENCY PREPAREDNESS
17 AND PLANS FOR POSTEMERGENCY NETWORK RESTORATION, INCLUDING ESTABLISHING
18 MINIMUM POWER BACKUP REQUIREMENTS AND REQUIRING ALL INTERNET SERVICE
19 PROVIDERS TO MAINTAIN NETWORKS SUFFICIENTLY TO ENSURE RELIABLE AND SAFE
20 COMMUNICATIONS SERVICES.

21 3. TO REQUIRE INTERNET SERVICE PROVIDERS TO REPORT DATA ON THE
22 DEPLOYMENT AND AVAILABILITY, PRICING AND ADOPTION OF BROADBAND SERVICE AND
23 VOICE OVER INTERNET PROTOCOL SERVICE.

24 B. THE COMMISSION SHALL CONDUCT EVALUATIONS AND AUDITS OF
25 FACILITIES AND INFRASTRUCTURE THAT ARE USED TO PROVIDE HIGH-SPEED INTERNET
26 SERVICE AND SHALL EVALUATE FACILITIES AND INFRASTRUCTURE RELATING TO AREAS
27 OF PUBLIC SAFETY, RESILIENCY, BROADBAND AND ANY OTHER FACTORS THAT THE
28 COMMISSION DEEMS RELEVANT TO ACHIEVING THE GOALS OF RESILIENCY, QUALITY
29 AND PUBLIC SAFETY OF BROADBAND SERVICE AS WELL AS THE OVERALL GOALS OF
30 UNIVERSAL ACCESS AND AFFORDABILITY OF BROADBAND SERVICE.

31 C. THE COMMISSION SHALL REPORT ANNUALLY TO THE LEGISLATURE ON THE
32 COMMISSION'S PROGRESS TOWARDS ACHIEVING THE GOALS OF RESILIENCY, QUALITY
33 AND PUBLIC SAFETY OF BROADBAND SERVICE AND VOICE OVER INTERNET PROTOCOL
34 SERVICE.

35 D. FOR THE PURPOSES OF THIS SECTION:

36 1. "BROADBAND SERVICE":

37 (a) MEANS A MASS-MARKET RETAIL SERVICE THAT PROVIDES THE CAPABILITY
38 TO TRANSMIT DATA TO AND RECEIVE DATA FROM ALL OR SUBSTANTIALLY ALL
39 INTERNET ENDPOINTS.

40 (b) INCLUDES ANY CAPABILITIES THAT ARE INCIDENTAL TO AND THAT
41 ENABLE THE OPERATION OF THE COMMUNICATIONS SERVICE.

42 (c) DOES NOT INCLUDE DIAL-UP SERVICE.

- 1 2. "INTERNET SERVICE PROVIDER" MEANS A PERSON, BUSINESS OR
2 ORGANIZATION THAT IS QUALIFIED TO DO BUSINESS IN THIS STATE AND THAT
3 PROVIDES INDIVIDUALS, CORPORATIONS OR OTHER ENTITIES WITH THE ABILITY TO
4 CONNECT TO THE INTERNET WITH A BROADBAND SERVICE.
- 5 3. "VOICE OVER INTERNET PROTOCOL SERVICE" MEANS A SERVICE THAT:
6 (a) ENABLES REAL-TIME, TWO-WAY VOICE COMMUNICATION.
7 (b) REQUIRES A BROADBAND CONNECTION FROM THE USER'S LOCATION.
8 (c) REQUIRES INTERNET PROTOCOL-COMPATIBLE CUSTOMER PREMISES
9 EQUIPMENT.
10 (d) ALLOWS USERS GENERALLY TO BOTH:
11 (i) RECEIVE CALLS THAT ORIGINATE ON THE PUBLIC SWITCHED TELEPHONE
12 NETWORK.
13 (ii) TERMINATE CALLS TO THE PUBLIC SWITCHED TELEPHONE NETWORK.