



**WRITTEN TESTIMONY OF THE NEW ENGLAND CONNECTIVITY &
TELECOMMUNICATIONS ASSOCIATION, INC. REGARDING HOUSE BILL No. 5817**

March 13, 2025

Dear Chair Solomon and distinguished Members of the House Corporations Committee,

On behalf of the New England Connectivity and Telecommunications Association (NECTA), I appreciate the opportunity to submit testimony in opposition to House Bill No. 5817, relating to the Broadband Deployment and Investment Act.

State of Broadband in Rhode Island

When it comes to delivering high-speed broadband, the broadband industry is a success story in Rhode Island, helping to grow the economy while remaining affordable to consumers. Rhode Island continues to be a national leader in broadband coverage and speed. In an overall study of access and service, BroadbandNow ranked Rhode Island *third* in the country for near universal access to broadband speeds, with 98.7% of the population having access to 100 mbps or greater; *second* in the country for 98% of households having access to 1G broadband speeds; and *fifth in the country* for excellent low-latency, fast speeds, affordability, and near-universal access to broadband services.¹ Rhode Island was also ranked fifth in the nation in a recent report by Ookla on the top states for broadband speed performance.²

In addition to widespread deployment, Rhode Island's broadband infrastructure is state-of-the-art. Since 2000, the cable broadband industry has invested over \$300 billion to construct world class, high speed national broadband networks. In Rhode Island, that interconnected, multistate infrastructure system is supported through over a billion dollars of direct investment, including approximately 2000 miles of fiber, delivering robust, reliable, and ultra-fast broadband throughout Rhode Island. These nearly ubiquitous, fiber optic rich networks represent lasting commitments by Internet Service Providers (ISPs) to invest in Rhode Island's economy and its consumers. ISPs constantly make investments to enhance the quality of service they provide to outpace customer demand and to offer innovative products and home or office solutions to Rhode Island residents and businesses. That enduring commitment to Rhode Islanders was never more important than during

¹ <https://broadbandnow.com/Rhode-Island>

² <https://www.ookla.com/articles/us-broadband-speed-performance-q2-2024>

the COVID-19 outbreak when our existing broadband networks experienced massive increases in usage and continued to meet significantly elevated peak demand with no capacity or speed reduction issues. It was and continues to be these networks that allow Rhode Island residents to work, learn, access healthcare, and stay connected to their friends and family.

HB.5817 findings are counter to established broadband policy in Rhode Island

The constant investment and product and service innovations by ISPs in Rhode Island are made possible by the state's "light-touch" regulatory framework as encapsulated in Section 39-28-1 of the General Laws whereby "[The] proliferation of new technologies and applications and the growing number of providers developing and offering innovative services using internet protocol are due in large part to little barrier to investment, including freedom from state law and regulations..." This modern telecommunications policy has fostered a robust marketplace that has spurred industry competition and led to a convergence of residential and business consumer video, broadband, voice, and wireless offerings from new service providers at lower costs. That this bill proposes to strike this important finding from the statute would be a complete reversal from the broadband deployment policies previously adopted by the legislature.

Unnecessary, duplicative, and onerous data reporting requirements

Overall, House Bill 5817 would create unnecessary and onerous regulatory burdens on ISPs that would increase the cost of doing business and hamper investment in Rhode Island.

Duplicative mapping

The bill's data collection requirements for deployment, speeds, and related data duplicate existing mechanisms. The Federal Communications Commission (FCC) already collects and makes publicly available detailed current and historical broadband deployment data for both fixed and mobile services.³ All of NECTA's members report their internet service availability, both passings and speed, to the FCC every 6 months in accordance with the Broadband Deployment Accuracy and Technological Availability Act, and the FCC rules adopted thereunder, and have been willing partners in Rhode Island's efforts to ensure current broadband mapping data. Rhode Island does not need to operate a different mapping system, when data collection consistent with what is required by the FCC would accomplish the same goal of accurate broadband location reporting.

Additionally, ISPs in Rhode Island have already completed extensive broadband mapping requirements for the federal Broadband Equity Access and Deployment (BEAD) program. This data was shared with the FCC and Rhode Island Commerce. Rhode Island has been allocated \$108.7 million for the BEAD program. BEAD funds are to be used by the state to fund broadband deployment projects targeted to unserved locations followed by underserved locations and community anchor institutions. BEAD funds may also be used by the state for nondeployment activities, such as programs that address barriers to adoption. With BEAD funding, Rhode Island is

³ See, e.g., [Broadband Data Collection](#); [FCC National Broadband Map](#); [Fixed Broadband Deployment Data from FCC Form 477](#); [Mobile Deployment Form 477 Data](#).

on a firm path to achieve universal access to high-speed broadband and NECTA's members are willing participants to help the state reach this goal. By creating duplicative mapping and reporting requirements, in addition to other regulatory burdens, HB.5817 would have the opposite effect of incentivizing ISPs to help close the digital divide by introducing confusing reporting and mapping complications instead of focusing on deployment and the rollout of digital equity initiatives.

Costly reporting requirements and increased regulatory burdens

The outage reporting requirements on telecommunications services would make Rhode Island a regulatory outlier among the states and would add to the regulatory burdens HB.5817 would create. First, the outage provisions are unnecessary. The Public Utilities Commission (PUC) can already access outage information through the FCC's Network Outage Reporting System ("NORS") and Disaster Information Reporting System ("DIRS") databases. NORS provides information on VoIP service outages, including those that may affect access to 911, on a 24/7 basis. And during major disasters, DIRS offers daily updates on the status of voice, broadband, and video services in affected counties. Against this backdrop, it is unclear what purpose would be served by new outage reporting requirements.

Further, the broad wording of the bill creates regulatory uncertainty that could significantly alter current ISP operations and customer relations. The bill's assumption that mitigation and consumer compensation is necessary for any outage fails to account for a wide array of outage scenarios for which a credit would be inappropriate, such as third-party vandalism, accidental damage caused by a third-party, and interruptions caused by power outages, extreme weather, and other factors over which the broadband provider has no control. The bill also fails to account for the fact that the customer may not have experienced any adverse effect from an outage, for example, because everyone was asleep, on vacation, or otherwise not impacted.

Secondly, proposing the creation of a new "broadband regulatory agency" to regulate broadband standards likewise ignores evidence that broadband providers are constantly innovating to make broadband faster and more reliable. The industry is naturally incentivized to collaborate to develop standards to ensure interoperability (for example, in the widespread usage of Wi-Fi) and a robust and economically efficient market for products and services. A top-down, government-run standards-setting regulatory approach—particularly at the state level, which could result in dozens of different standards—would only stifle innovation.

Finally, in addition to the increased costs on ISPs to comply with all the new compliance standards House Bill 5817 seeks to create, there would also be direct increased costs on ISPs by funding an entirely new agency. NECTA's members are already assessed a fee for the operation of the PUC. To carry out the regulatory oversight that HB. 5817 contemplates, this agency would need to employ technical experts, enforcement officers, attorneys, consumer complaint representatives, not to mention the office space, utilities, etc., and the costs continue to soar from there. This is yet another example of how HB.5817 ignores the real costs on ISPs to not only operate their networks, but to constantly innovate to keep up with consumer demand and new technologies that interface with broadband networks as well as protect the networks from ever-increasing cyberattacks.

HB.5817 does not address the digital divide

By seeking to establish a punitive regulatory system for ISPs, House Bill 5817 does not truly speak to Rhode Island's next broadband challenge, overcoming barriers to adoption. Even with the high rate of broadband infrastructure deployment in Rhode Island, we know gaps in digital equity still exist. There is a significant difference between having *access* to broadband connectivity and the actual ability or willingness to *adopt* that service. While HB.5817 suggests that that somehow adoption rates are linked to service availability, this is far from accurate. Barriers to adoption include not just cost, but language barriers, digital literacy and a host of other complex societal challenges that prevent some households from connecting to high-speed internet service. The fastest, clearest, and most equitable path to increasing internet adoption is for Rhode Island to use its federal dollars to help families overcome the digital divide, such as employing digital navigators to help people understand how to connect and use the internet safely, and not by enacting onerous and duplicative broadband reporting mandates overseen by another utility-style regulatory agency.

Thank you for your attention to this testimony. Please do not hesitate to reach out with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Timothy O. Wilkerson". The signature is fluid and cursive, with the first name "Timothy" being more prominent.

Timothy O. Wilkerson
President

About NECTA

NECTA is a five-state regional trade association representing substantially all private cable broadband providers in Rhode Island, Connecticut, Massachusetts, New Hampshire, and Vermont. In Rhode Island, NECTA represents Cox Communications. Cox produces an estimated \$850 million annually in economic activity in the state and employs over 700 Rhode Island residents generating over \$57 million in wage and salary payments. In the past five years alone, Cox invested over \$160 million in capital investments to infrastructure in Rhode Island and recently announced an additional investment of more than \$120 million to deliver multi-Gigabit symmetrical speeds over high-speed broadband connections throughout the state. This investment includes more than \$20 million towards 100% fiber-optic buildouts directly to 35,000 locations in the communities on Aquidneck Island.