



NEW YORK STATE SENATOR

Daphne Jordan

Remarks From NYS Senator Daphne Jordan on Broadband Funding for Columbia County

SEN. DAPHNE JORDAN August 2, 2021

| ISSUE: **BROADBAND, BROADBAND ACCESS, BROADBAND COVERAGE**

Senator Daphne Jordan joined Congressman Antonio Delgado and other partners in state and local government on the secured expansion of and investment in broadband across Columbia County in the towns of Ghent, Canaan, New Lebanon, and Austerlitz

We're here for an issue that is so much bigger than partisan politics, that being the expansion of, and investment in, broadband.

We're here to share, and celebrate, some welcome developments of new investments for Towns of Ghent, Canaan, New Lebanon, and Austerlitz on broadband expansion, a vital, quality of life issue for Columbia County families and businesses.

I was proud to support the bipartisan effort to secure this funding in a letter to Congressman Delgado earlier this year, and I thank you for your support in delivering this investment.

As I said, this issue transcends party labels and unites our Columbia County community working toward the necessary expansion of broadband.

Broadband expansion is CRITICAL for families, local communities, schools, non-profits, and

businesses.

Having access to reliable, affordable broadband isn't a luxury, it's a NECESSITY.

The pandemic – when some students were learning remotely and many individuals were working remotely – highlighted and exacerbated the urgent need for broadband access and expansion here in Columbia County.

This is an effort I've supported since my first days as State Senator back in 2019.

In 2019, I spoke at the Broadband Public Hearing in Albany and continually highlighted the need for broadband expansion and access right here in Columbia County.

In 2020, I wrote to the Public Service Commission in support of several communities in my District that lacked access to high-speed broadband, specifically, towns in Columbia County previously included in plans for an expansion of Charter Communications internet services that were omitted from plans going forward, all without any explanation.

Last year, my office partnered with the Town of Chatham Broadband Committee for a helpful email survey to identify areas lacking high-speed internet service so the Committee could use the information to initiate a dialog with internet providers.

Across New York State, significant impediments exist for broadband expansion. These impediments include self-defeating policies from Albany as well as problems that broadband companies encounter on the ground with property owners and pole owners.

Fiber optic cable networks are the future of high-speed internet. Yet, in 2019, New York State

implemented the “fiber optic tax”, an annual fee on fiber optic cable within state highway right of ways. It’s important to note that this fee only applies to fiber optic and not to any traditional utilities, such as water, sewer, gas, or electric. This tax will raise the cost of extending internet to our rural communities for consumers and will also disincentivize companies from doing further buildouts.

The fiber optic tax has also created a bureaucratic problem for obtaining permits to build. The Department of Transportation has not been diligent in returning permit applications on time, creating a red-tape holdup of the fiber build out that will help our rural communities. I cosponsor and support bills that will restrict or fully repeal this harmful tax and will also require the Department of Transportation to work in a timely manner to make sure this vital service is built as quickly as possible.

Internet providers also have additional problems creating internet hookups beyond those mistakes made by Albany; jurisdictional and property concerns also create problems for expanding broadband to rural areas. Utility companies have the ability to place severe restrictions on utility poles which often also go neglected for long periods of time, and if prospective internet providers don’t foot the cost of repairing the poles, utilities will often not allow the providers to use that pole.

In other cases, some property owners refuse to allow the necessary internet cables run through their properties even though phonelines are already present. These two practices restrict the number of homes that the internet can be provided to. I support legislation which will address both and will ensure that broadband can be expanded to as many New Yorkers as possible.

As many community leaders may know in Columbia County, there is a dearth of reliable

mapping of where broadband already exists, and without this it is difficult to know the precise areas where service must be extended.

I have supported numerous bills which would create new, State-funded map programs and determine underserved areas, and one such bill became law in the budget this year.

This year's 2021-22 State Budget included the "Comprehensive Broadband Connectivity Act" which requires the State to conduct a comprehensive study of broadband availability, reliability, and cost conducted on a census block-level, which is so important to obtain a correct assessment of true local needs.

This information will be key in knowing where the most internet-needy rural communities are in our State.

Even with all of these other issues addressed, the cost of build out can still be extreme to individual home and business owners, reaching into the tens of thousands. I support legislation which will give major tax credits to businesses and residents to offset the costs incurred by broadband expansion.

I'll continue working on, and advocating for, these issues and state legislation so Columbia County families, schools, and businesses have access to reliable, affordable broadband that we've been promised for so long

BILLS:

Senate Bill S.7028, which relates to requirements for certain contracts for attachments to utility poles and the use of utility ducts, trenches, and conduits.

Senate Bill S.5868A, which facilitates access to telephone providers to deliver fiber-based services.

I co-sponsor **Senate Bill S.1863**, which relates to fees associated with agreements between municipalities and fiber optic utility companies, and effectively repeals the Fiber Optic Tax.

I also cosponsor...

Senate Bill S.2659, which relates to repealing provisions of the highway law and the transportation corporations law to reduce the cost of expanding broadband access and would repeal the Fiber Optic Tax.

Senate Bill S.3720, which relates to fees for the use and occupancy of the state right of way by fiber-optic utilities and directs the State Department of Transportation to study the cost of administering state highway rights of way projects. This bill effectively limits the fiber optic tax to only what is required to pay for practical administration costs of maintaining the fiber optic in the right of ways.

Senate Bill S.4878B, which directs the Public Service Commission to review broadband and fiber optic services within the state – this is critically important despite the Governor’s false claims that we already have “broadband for all.”

Senate Bill S.5625 which enacts the “Credit for Rural Broadband Act of 2021” creating a fully refundable broadband deployment tax credit for small businesses and residents' reasonable out of pocket expenses for broadband network construction in their unserved areas, in partnership with a broadband provider.

Senate Bill S.5626, which relates to broadband mapping and expansion of such service and directs ESDC to develop a statewide broadband map, requires service providers to cooperate and submit data, directs compliance with efforts by the FCC, allows for ESDC to contract with private entities if needed, and requires annual evaluation and updating by ESDC.

RELATED LEGISLATION

2021-S7028

- Introduced

- ◦ In Committee Assembly
 - In Committee Senate

- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

-

Relates to requirements for certain contracts for attachments to utility poles and the use of utility ducts, trenches and conduits

May 25, 2021

Senate Floor Calendar

Sponsored by [Michelle Hinchey](#)

Do you support this bill?

2021-S5868A

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

[Facilitates access to telephone providers to deliver fiber-based services](#)

March 19, 2021

Senate Floor Calendar

Sponsored by [Kevin S. Parker](#)

Do you support this bill?

2021-S1863

- Introduced

- - In Committee Assembly
 - In Committee Senate

- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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[Relates to fees associated with agreements between municipalities and fiber optic utility companies](#)

January 16, 2021

In Senate Committee [Transportation](#)

2021-S2659

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

[Relates to repealing provisions of the highway law and the transportation corporations law to reduce the cost of expanding broadband access; repealer](#)

January 22, 2021

In Senate Committee [Transportation](#)

Sponsored by [Pamela Helming](#)

2021-S3720

- Introduced

- - In Committee Assembly
 - In Committee Senate

- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Relates to fees for the use and occupancy of the state right of way by fiber optic utilities; and directing the department of transportation to study the cost of administering state highway rights of way projects

January 30, 2021

In Senate Committee [Transportation](#)

Sponsored by [Robert G. Ort](#)

2021-S4878B

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Directs the public service commission to review broadband and fiber optic services within the state

February 17, 2021

In Senate Committee [Energy and Telecommunications](#)

Sponsored by [Sean M. Ryan](#)

2021-S5625

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
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Relates to enacting the credit for rural broadband act of 2021

March 12, 2021

In Senate Committee [Internet and Technology](#)

Sponsored by [Mike Martucci](#)

Do you support this bill?

2021-S5626

-
- Introduced
 - - In Committee Assembly
 - In Committee Senate
 - - On Floor Calendar Assembly
 - On Floor Calendar Senate
 - - Passed Assembly
 - Passed Senate
 - Delivered to Governor
 - Signed By Governor
 -

Relates to broadband mapping and expansion of such service

March 12, 2021

In Senate Committee [Internet and Technology](#)

Sponsored by [Mike Martucci](#)

Do you support this bill?