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| Bill no.: | H.R. 1542 |
| Amendment no.: | 1c |
| Date offered: | 5/1/01 |
| Disposition: | Approved by V.V. |

AMENDMENT OFFERED BY MR. RUSH OR
SAWYER

TO THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO H.R. 1542
(broadband deployment)

At the end of the bill add the following new section:

1 **SEC. 8. DEPLOYMENT OF BROADBAND SERVICES.**

2 Part III of title II of the Communications Act of
3 1934 is amended by inserting after section 276 (47 U.S.C.
4 276) the following new section:

5 **"SEC. 277. DEPLOYMENT OF BROADBAND SERVICES.**

6 "(a) **DEPLOYMENT REQUIRED.**—Each Bell operating
7 company and its affiliates shall deploy high speed data
8 services in each State in which such company or affiliate
9 is an incumbent local exchange carrier (as such term is
10 defined in section 251(h)) in accordance with the require-
11 ments of this section.

12 "(b) **DEPLOYMENT REQUIREMENTS.**—

13 "(1) **MILEPOSTS FOR DEPLOYMENT.**—A Bell
14 operating company or its affiliate shall deploy high
15 speed data services by attaining high speed data ca-
16 pability in its central offices in each State to which
17 subsection (a) applies. Such company or affiliate



1 shall attain such capability in accordance with the
2 following schedule:

3 (A) Within one year after the date of en-
4 actment of this section, such company or affil-
5 iate shall attain high speed data capability in
6 not less than 20 percent of such central offices
7 in such State.

8 (B) Within 2 years after the date of en-
9 actment of this section, such company or affil-
10 iate shall attain high speed data capability in
11 not less than 40 percent of such central offices
12 in such State.

13 (C) Within 3 years after the date of en-
14 actment of this section, such company or affil-
15 iate shall attain high speed data capability in
16 not less than 70 percent of such central offices
17 in such State.

18 (D) Within 5 years after the date of en-
19 actment of this section, such company or affil-
20 iate shall attain high speed data capability in
21 not less than 100 percent of such central offices
22 in such State.

23 (2) HIGH SPEED DATA CAPABILITY.—For pur-
24 poses of paragraph (1), a central office shall be con-
25 sidered to have attained high speed capability if—



1 “(A)(i) such central office is equipped with
2 high speed data multiplexing capability; and

3 “(ii) each upgradeable customer loop that
4 originates or terminates in such central office is
5 upgraded promptly upon receipt of a customer
6 request for such upgrading, as necessary to per-
7 mit transmission of high speed data service (in-
8 cluding any conditioning of the loop);

9 “(B) each customer served by such central
10 office (without regard to the upgradeability or
11 length of the customer’s loop) is able to obtain
12 the provision of high speed data service from
13 such Bell operating company or its affiliate by
14 means of an alternative technology that does
15 not involve the use of the customer’s loop; or

16 “(C) each such customer is able to obtain
17 the provision of high speed data service by one
18 or the other of the means described in subpara-
19 graphs (A) and (B).

20 “(3) UPGRADEABLE LOOPS.—For purposes of
21 paragraph (2), a customer loop is upgradeable if—

22 “(A) such loop is less than 15,000 feet in
23 length (from the central office to the customer’s
24 premises along the line); and

1 “(B) such loop can, with or without condi-
2 tioning, transmit high speed data services with-
3 out such transmission on such loop causing sig-
4 nificant degradation of voice service

5 “(c) AVAILABILITY OF REMEDIES.—

6 “(1) FORFEITURE PENALTIES.—A Bell oper-
7 ating company or its affiliate that fails to comply
8 with this section shall be subject to the penalties
9 provided in section 503(b)(2). In determining wheth-
10 er to impose a forfeiture penalty, and in determining
11 the amount of any forfeiture penalty under section
12 503(b)(2)(D), the Commission shall take into con-
13 sideration the extent to which the requirements of
14 this section are technically infeasible. . .

15 “(2) JURISDICTION.—The Commission shall
16 have exclusive jurisdiction to enforce the require-
17 ments of this section, except that any State commis-
18 sion may file a complaint with the Commission seek-
19 ing the imposition of penalties as provided in para-
20 graph (1).

21 “(d) ANNUAL REPORT ON DEPLOYMENT.—

22 “(1) ANALYSIS REQUIRED.—The Commission
23 shall include in each of its annual reports submitted
24 no more than 18 months after the date of enactment
25 of this section an analysis of the deployment of high

1 speed data service to underserved areas. Such report
2 shall include—

3 “(A) a statistical analysis of the extent to
4 which high speed data service has been de-
5 ployed to central offices and customer loops, or
6 is available using different technologies, as com-
7 pared with the extent of such deployment and
8 availability prior to such date and in prior re-
9 ports under this subsection;

10 “(B) a breakdown of the delivery of high
11 speed data service by type of technology and
12 class or category of provider;

13 “(C) an identification of impediments to
14 such deployment and availability, and develop-
15 ments in overcoming such impediments during
16 the intervening period between such reports;
17 and

18 “(D) recommendations of the Commission,
19 after consultation with the National Tele-
20 communications and Information Administra-
21 tion, for further extending such deployment and
22 availability and overcoming such impediments.

23 “(2) DEFINITION OF UNDERSERVED AREA.—

24 For purposes of paragraph (1), the term ‘under-
25 served areas’ means areas that—

1 “(A) are high cost areas that are eligible
 2 for services under subpart D of part 54 of the
 3 Commission’s regulations (47 C.F.R. 54.301 et
 4 seq.); or

5 “(B) are within or comprised of any census
 6 tract—

7 “(i) the poverty level of which is at
 8 least 30 percent (based on the most recent
 9 census data); or

10 “(ii) the median family income of
 11 which does not exceed—

12 “(I) in the case of a census tract
 13 located in a metropolitan statistical
 14 area, 70 percent of the greater of the
 15 metropolitan area median family in-
 16 come or the statewide median family
 17 income; and

18 “(II) in the case of a census tract
 19 located in a nonmetropolitan statis-
 20 tical area, 70 percent of the non-
 21 metropolitan statewide median family
 22 income.

23 “(3) DESIGNATION OF CENSUS TRACTS.—The
 24 Commission shall, not later than 90 days after the
 25 date of the enactment of this section, designate and



- 1 publish those census tracts meeting the criteria de-
- 2 scribed in paragraph (2)(B)."

In section 7 of the bill, strike "section 5 or 6 (or both)" and insert "section 5, 6, or 7 (or any combination thereof)".



May 9, 2001

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