

## **DUANESBURG BROADBAND COMMITTEE MEETING MINUTES**

**Date:** Wednesday, January 6, 2021 6:30 PM via Zoom in Town Hall  
**Next meeting:** Wednesday, March 3, 2021 6:30 PM via Zoom in Town Hall

**In attendance:** Roger Tidball, John Ganther, Annabel Felton, Mary Ellen Houlihan, Katie O'Brien, Jan Greene, Ralph Catalano, Joe O'Neill, Zach Butts, Brendan Mensing, Kim Heimberg, James Niedermeier, Jeffrey Rivenburg

### **Minutes**

Minutes from the November 10, 2020 meeting were approved.

### **NEW BUSINESS**

#### **Assembly Bill 6679 (2020)**

This legislation was passed by both houses of the NY legislature and is on the Governor's desk for signature. The proposed legislation tasks the NY Public Service Commission with collecting accurate high speed internet availability information, mapping existing broadband and high-speed internet service statewide and reporting results annually to the Legislature. This Committee prepared maps of unserved in Spring of 2018 so this initiative would not help Duanesburg at this point. Nevertheless, Annabel sent a letter to the Governor in support of this bill as it is sorely needed in surrounding communities and state-wide. A copy of the letter and Assembly Bill 6679 is attached.

#### **Duanesburg Comprehensive Plan**

Updates to the town Comprehensive Plan are underway and a public meeting will be held before the town Planning Board on January 21, 2021. The plan includes a section on the work of the Duanesburg Broadband Committee that was recently updated by Mary Ellen. Annabel will attend the Planning meeting to be sure any more updating is provided, as appropriate.

#### **Committee Assistance to the Duanesburg Central School District (DCSD)**

James Niedermeier, DCSD Superintendent attended the meeting and expressed interest in having the Broadband Committee assist with extension of broadband to all students in the Duanesburg School District. He also expressed concern about the high cost of broadband and cellular internet service even when it is available. The stated purpose of the Duanesburg Broadband Committee is to get broadband service to all residents of the town but there are DCSD students who live outside of the borders of the town. Nevertheless, Annabel, Mary Ellen and Katie expressed willingness to assist the district with mapping and advocacy for district wide broadband line extension.

### **OLD BUSINESS**

#### **Status of Road-by-Road line extension projects by Charter/Spectrum**

##### **Humphrey Road**

All homes on Humphrey Road are now served.

##### **Schoharie Turnpike (East – from North Mansion Road to Route 20)**

Kim Heimburg reported she reached out to residents on the road to see if they are connected. She is concerned about the service to the Monahan's. The Pazano's are

scheduled for installation on Friday. Roger sent an email to Kevin Egan, our Spectrum contact, on the status of unserved residences on Schoharie Turnpike East and will need to check again on Mr. Egan's response. It was acknowledged the process of getting residences connected takes time.

#### **Creek Road**

Annabel reported there was make-ready work by National Grid on Creek Road the week before Christmas. It is believed Creek Road is part of Spectrum Project 118093 to serve about 168 homes. Most, but not all locations are in the town of Duanesburg. There are currently 203 unserved locations in the town, leaving more than 35 unserved after this project. Our goal is to get all served.

#### **Suits Road**

There is no news regarding service to Suits Road.

#### **Turnbull Road (southern end)**

There is no information on service to Turnbull Road. A project number for this road is unknown.

#### **Alexander Road**

There is no information on a project on Alexander Road. Ralph Catalano has not gotten in touch with Spectrum yet. It was suggested he request a project number when he gets in touch with them. Roger will ask Kevin Egan about projects on Alexander Road.

#### **Gage Road**

Zach reported a new completion date of February for Gage Road according to a contact at Spectrum. That date could be pushed back again. The original completion he reported was December 2020. Zach confirmed the project number is 2118093. Annabel explained Spectrum has until September 2021 for completion of the build out to 145,000 locations statewide under their settlement with the NY Public Service Commission.

#### **Thousand Acre Road**

Chet asked about Thousand Acre Road at the last meeting and there is no change in service news. Annabel will keep Thousand Acre on the agenda for March.

### **NY Public Service Commission/BPO/Governor's office**

In November the Times Union reported Essex County businesses received a return of CIAC payments from Kevin Egan after complaining to the NY PSC and proving they should not have been counted by Charter/Spectrum toward their 145,000-buildout required under the merger with Time Warner. A settlement was reached and reported on 12/16/20 in a letter from Rory I. Lancman in which Charter agreed to remove 1,241 disputed addresses in Essex County from its' Plan of Record. This is important because, for every location mistakenly counted, broadband gets to one less home in New York.

### **Assistance from Assemblyman Santabarbara-**

Annabel has spoken to Nick Demitraszck, Angelo Santabarbara's Legislative Director. The Assemblyman has been consistently helpful including hosting state legislative hearings on rural broadband issues where Annabel testified. Santabarbara co-sponsored Assembly Bill A6679 discussed earlier. Annabel will remain in touch with them in ongoing discussions about broadband to DCSD students.

**Assistance from Congressman Paul Tonko**

Annabel spoke to Emily Silverburg in Paul Tonko's DC office in early December. Federal RDOF funding of \$9.2 billion was provided to Space X Corporation's Starlink system. Because of Paul Tonko's pressure on the FCC, New York will be included in this funding. Annabel believes Starlink could be competition for wired broadband providers.

**Social Media initiative**

John Ganther put the September minutes on the town website and will create a separate tab to post the taped Zoom meetings on the Committee Facebook page. Annabel will get the November minutes to John.

**Next Broadband Meeting**

The next Broadband Committee meeting will be March 3, 2021 at 6:30 pm at Town Hall and via Zoom.

Roger Tidball, Town Supervisor  
Jennifer Howe, Town Clerk  
Brandy Fall, Deputy Town Clerk



John Ganther, Council Member  
Francis R. Potter, Council Member  
Jeffrey Senecal, Council Member  
William Wenzel, Council Member

# Town of Duanesburg

Schenectady County

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January 6, 2021

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Re: Assembly Bill A6679C

Dear Governor Cuomo,

The Duanesburg Broadband Committee urges you to sign Assembly Bill A6679C relating to the public service commission reviewing broadband and fiber optic services within the state.

The Duanesburg Broadband Committee was formed in early 2018 by a group of residents and elected officials of the Town of Duanesburg for the purpose of advocating for high-speed broadband service to all residents, farms, and small businesses in town. Our biggest frustration has been our inability to get accurate information about existing broadband and fiber optic services in our community and the reliance of State and Federal agencies on broadband service maps that are flawed and notoriously inaccurate. Assembly Bill A6679C, if signed into law, will go a long way to providing the citizens of New York accurate information about availability of what has become a necessity – high speed internet service.

Again, we urge you to sign Assembly Bill A6679C into law.

Sincerely,

Annabel V. Felton  
Chair, Duanesburg Broadband Committee

# STATE OF NEW YORK

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6679--C

2019-2020 Regular Sessions

## IN ASSEMBLY

March 15, 2019

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Introduced by M. of A. RYAN, BURKE, WALLACE, SMITH, D'URSO, PHEFFER AMATO, FRONTUS, LAVINE, BRAUNSTEIN, M. G. MILLER, SIMOTAS, WEPRIN, RAMOS, JEAN-PIERRE, REYES, SOLAGES, STERN, OTIS, STECK, ORTIZ, SAYEGH, DeSTEFANO, GARBARINO, MOSLEY, L. ROSENTHAL, DINOWITZ, BLAKE, GOTTFRIED, ROZIC, CARROLL, KIM, CRUZ, RICHARDSON, EPSTEIN, QUART, BUCHWALD, STIRPE, NIOU, LENTOL, SANTABARBARA, McMAHON, TAYLOR, GLICK, BARNWELL, SEAWRIGHT, DiPIETRO, DE LA ROSA, BENEDETTO, B. MILLER, NORRIS, JOYNER, JACOBSON, ABINANTI, FERNANDEZ, PICHARDO, RIVERA, MORINELLO, SIMON, STEC -- Multi-Sponsored by -- M. of A. ARROYO, CROUCH, ENGLEBRIGHT, GALEF, GIGLIO, NOLAN, THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the public service law, in relation to the public service commission reviewing broadband and fiber optic services within the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Short title. This act shall be known and may be cited as
- 2 the "comprehensive broadband connectivity act".
- 3 § 2. Legislative findings. The legislature hereby finds and declares
- 4 that access to high-speed internet is a fundamental right and it is
- 5 incumbent upon the State to ensure provision of this right to every New
- 6 Yorker. Yet many areas of the state do not have access to adequate
- 7 broadband services. The lack of competition in the telecommunications

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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marketplace has been a cause of deteriorated service for customers and users of regulated telephonic and telecommunications services. The lack of access to adequate internet services for schools, businesses, families, and healthcare facilities has had substantial negative economic and social impact particularly in rural and other underserved and unserved communities.

§ 3. The public service law is amended by adding a new section 224-c to read as follows:

§ 224-c. Broadband and fiber optic services. 1. For the purposes of this section:

(a) The term "served" means any location with at least two internet service providers and at least one such provider offers high-speed internet service.

(b) The term "underserved" means any location which has fewer than two internet service providers, or has internet speeds of at least 25 megabits per second (mbps) download but less than 100 mbps download available.

(c) The term "unserved" means any location which has no fixed wireless service or wired service with speeds of 25 mbps download or less available.

(d) The term "high-speed internet service" means internet service of at least 100 mbps download and at least 10 mbps upload.

(e) The term "broadband service" shall mean a mass-market retail service that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but shall not include dial-up service.

(f) The term "location" shall mean a geographic area smaller than a census tract.

(g) The term "internet service provider" shall mean any person, business or organization qualified to do business in this state that provides individuals, corporations, or other entities with the ability to connect to the internet.

2. The commission shall study the availability, affordability and reliability of high-speed internet and broadband services in New York state. The commission shall:

(a) assess the efficacy and make recommendations regarding levels of competition among providers, as well as any regulatory and statutory barriers, in order to deliver comprehensive statewide access to high-speed internet;

(b) review available technology to identify solutions that best support high-speed internet service in underserved or unserved areas, and make recommendations on ensuring deployment of such technology in underserved and unserved areas;

(c) identify instances where local franchise agreements and legal settlements related to internet access have not been complied with;

(d) identify locations where insufficient access to high-speed internet and/or broadband service, and/or persistent digital divide, is causing negative social or economic impact on the community;

(e) identify locations where the commission believes fiber optic service is necessary for the successful implementation of commission's policies on competition, affordability, and adequate service;

(f) examine any other telecommunications deficiencies affecting broadband service it deems necessary to further the economic and social goals of the state; and

1 (g) produce, maintain and publish on its website, a detailed internet  
2 access map of the state, indicating access to internet service by  
3 location. Such map shall include, but not be limited to, the following  
4 information for each location:

5 (i) download and upload speeds advertised and experienced;

6 (ii) the consistency and reliability of download and upload speeds  
7 including latency;

8 (iii) the types of internet service and technologies available includ-  
9 ing but not limited to dial-up, broadband, wireless, fiber, coax, or  
10 satellite;

11 (iv) the number of internet service providers available, the price of  
12 internet service available; and

13 (v) any other factors the commission may deem relevant.

14 3. The commission shall submit a report of its findings and recommen-  
15 dations from the study required in subdivision two of this section, to  
16 the governor, the temporary president of the senate and the speaker of  
17 the assembly no later than one year after the effective date of this  
18 section, and an updated report annually thereafter. Such report shall  
19 include, but not be limited to, the following:

20 (a) the overall number of residences with access to high-speed inter-  
21 net identifying which areas are served, unserved and underserved;

22 (b) a regional survey of internet service prices in comparison to  
23 county-level median income;

24 (c) an analysis of the affordability of high-speed internet service in  
25 New York state;

26 (d) any relevant usage statistics;

27 (e) any other metrics or analyses the commission deems necessary in  
28 order to assess the availability, affordability and reliability of  
29 internet service in New York state; and

30 (f) the map maintained pursuant to paragraph (g) of subdivision two of  
31 this section.

32 4. The commission shall hold at least four regional public hearings  
33 within one year of the effective date of this section, to solicit input  
34 from the public and other stakeholders including but not limited to  
35 internet service providers, telecommunications concerns, labor organiza-  
36 tions, public safety organizations, healthcare, education, agricultural  
37 and other businesses or organizations.

38 5. The commission shall work with internet service providers in the  
39 state to prioritize access to broadband and fiber optic services for the  
40 communities determined to have experienced negative economic and social  
41 impacts due to absent, insufficient, or inadequate broadband or fiber  
42 optic service pursuant to subdivision one of this section.

43 6. To effectuate the purposes of this section, the commission may  
44 request and shall receive from any department, division, board, bureau,  
45 commission or other agency of the state or any state public authority  
46 such assistance, information and data as will enable the commission to  
47 carry out its powers and duties under this section.

48 § 4. This act shall take effect on the thirtieth day after it shall  
49 have become a law.