

SENATE No. 2184

The Commonwealth of Massachusetts

In the Year Two Thousand Twenty-Four

SENATE, June 6, 2014.

The committee on Telecommunications, Utilities and Energy to whom was referred the (subject to Joint Rule 12) of Benjamin B. Downing and Stephen Kulik for legislation relative to the Massachusetts Broadband Institute, reports recommending that the accompanying bill (Senate, No. 2184).

For the committee,
Benjamin B. Downing

SENATE No. 2184

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the Massachusetts Broadband Institute.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (d) of section 6B of chapter 40J of the General Laws, as
2 appearing in the 2012 Official Edition, is hereby amended by striking out the first paragraph and
3 inserting in place thereof the following paragraph:-

4 The corporation shall leverage private sector and federal investment by financing the
5 construction and acquisition of broadband infrastructure to promote the development of
6 broadband access and may undertake any other actions deemed appropriate by the corporation to
7 promote broadband adoption and usage and expand the public benefits associated with
8 broadband deployment in the commonwealth, particularly among vulnerable or disadvantaged
9 populations that underutilize broadband technologies. This broadband infrastructure shall
10 include, but not be limited to, conduit, fiber and towers. The corporation shall have the power to:
11 (i) finance or acquire equipment or other property to be owned by the corporation, the
12 commonwealth or 1 or more other public entities, in which case such equipment or other
13 property may be leased or licensed by the corporation, for a fee or otherwise, for use by public
14 entities or nonprofit or for-profit private-sector entities; and (ii) make grants to 1 or more public
15 entities or nonprofit or for-profit private-sector entities for the financing or acquisition of
16 equipment or other property, subject, in all cases, to such conditions as the corporation's board
17 may determine to be appropriate to protect the public interest. The acquisition of an indefeasible
18 right of use of facilities used for the transmission of intelligence by electricity or of a license or
19 other agreement to use electromagnetic spectrum licensed by the federal government shall be
20 considered to be the acquisition of an ownership interest in broadband infrastructure, and any
21 such transaction shall constitute a transaction with the commonwealth for the purpose of chapter
22 30B. Any lessee or licensee shall pay lease or license fees to the corporation, which shall credit
23 them to the fund. The corporation may provide and pay for advisory services and technical
24 assistance and take such other actions as may be necessary or desired to carry out its purposes.

25 SECTION 2. Notwithstanding any general or special laws to the contrary, the
26 Massachusetts Technology Collaborative, in this section called the corporation, shall convene a
27 working group to provide advice and feedback on the competitive process to be created by the
28 corporation for providing grants to 1 or more public, nonprofit or for-profit private-sector entities
29 as described in clause (ii) of the first paragraph of subsection (d) of section 6B of chapter 40J of
30 the General Laws. The working group shall consist of parties interested in and eligible for the
31 grants described in said clause (ii) of the first paragraph of said subsection (d) of said section 6B
32 of said chapter 40J. The first meeting of the working group shall be convened by the corporation
33 not later than 90 days after the effective date of this act.