

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Rita A. Mendes

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act preserving broadband service for low-income consumers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Rita A. Mendes</i>	<i>11th Plymouth</i>	<i>1/16/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act preserving broadband service for low-income consumers.

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. Chapter 25C of the General Laws is hereby amended by inserting after
2 Section 9 the following section:-

3 Section 10. Broadband internet access service for low-income consumers.

4 a) For the purposes of this section, the term "broadband internet access service" shall
5 mean a mass-market retail service that provides the capability to transmit data to and receive data
6 from all or substantially all internet endpoints, including any capabilities that are incidental to
7 and enable the operation of the communications service provided by a wireline, fixed wireless or
8 satellite service provider, but shall not include dial-up service.

9 b) Every person, business, corporation, or their agents providing or seeking to provide
10 wireline, fixed wireless or satellite broadband service in the commonwealth shall, no later than
11 sixty days after the effective date of this section, offer high speed broadband service to low-
12 income consumers whose household:

13 (i) has a member that participates in one of these assistance programs:

14 1. SNAP

15 2. Medicaid

16 3. Supplemental Security Income (SSI)

17 4. Federal or State Housing Assistance

18 5. WIC

19 6. Veterans Pension or Survivor Benefits

20 7. Lifeline

21 8. Qualifying Tribal land assistance programs

22 9. Free or reduced-priced lunch through the National School Lunch Program; or

23 (ii) whose annual gross household income is not in excess of two hundred percent of the
24 federal poverty guidelines as updated periodically in the Federal Register by the United States
25 Department of Health and Human Services under the authority of 42 U.S.C. § 9902(2).

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27 c) Such low-income broadband service shall provide a minimum download speed equal
28 to the greater of one hundred megabits per second download speed or the download speed of the
29 provider's existing low-income broadband service sold to customers in the state subject to
30 exceptions adopted by the department of telecommunications and cable where such download
31 speed is not reasonably practicable.

32 d) Broadband service for low-income consumers, as set forth in this section, shall be
33 provided at a cost of no more than fifteen dollars per month, inclusive of any recurring taxes and
34 fees such as recurring rental fees for service provider equipment required to obtain broadband
35 service and usage fees. Broadband service providers shall allow low-income broadband service
36 subscribers to purchase standalone or bundled cable and/or phone services separately. Broadband
37 service providers may, once every five years, and after thirty days' notice to its customers and the
38 department of public service, increase the price of this service by the lesser of the most recent
39 change in the consumer price index or a maximum of two percent per year of the price for such
40 service.

41 (e) Broadband service for low-income consumers of public entities that provide or seek to
42 provide wireline, fixed wireless or satellite broadband service in the commonwealth may be
43 provided at a cost of no more than fifteen dollars per month or at a cost that is not overly
44 financially burdensome to the public entity.

45 f) A broadband service provider who offers a high speed broadband service to eligible
46 low-income customers, as such term is used in subdivision two of this section, at a download
47 speed of two hundred megabits per second or greater at a cost of no more than twenty dollars per
48 month, inclusive of any recurring taxes and fees such as recurring rental fees for service provider
49 equipment required to obtain broadband service and usage fees, shall be considered to be in
50 compliance with the requirements of subdivisions two and three of this section. Such providers
51 may, once every two years, and after thirty days' notice to its customers and the department of
52 telecommunications and cable increase the price of such service by the lesser of the most recent
53 change in the consumer price index or a maximum of two percent per year of the price for such
54 service.

55

56 g) Every person, business, corporation, or their agents providing or seeking to provide
57 broadband service in Massachusetts shall make all commercially reasonable efforts to promote
58 and advertise the availability of broadband service for low-income consumers including, but not
59 limited to, the prominent display of, and enrollment procedures for, such service on its website
60 and in any written and commercial promotional materials developed to inform consumers who
61 may be eligible for service pursuant to this section.

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63 f) Every person, business, corporation, or their agents providing or seeking to provide
64 broadband service in Massachusetts shall annually submit to the department of
65 telecommunications and cable no later than November fifteenth after the effective date of this
66 act, and annually thereafter, a compliance report setting forth: (a) a description of the service
67 offered pursuant to this section; (b) the number of consumers enrolled in such service; (c) a
68 description of the procedures being used to verify the eligibility of customers receiving such
69 service; (d) a description and samples of the advertising or marketing efforts undertaken to
70 advertise or promote such service; (e) a description of all retail rate products, including pricing,
71 offered by such person, business, corporation, or their agents; (f) a description, including speed
72 and price, of all broadband products offered in the Commonwealth of Massachusetts; and (g)
73 such other information as the department of telecommunications and cable may require.

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75 g) The department of telecommunications and cable shall, within two years of the
76 effective date of this section and at least every five years thereafter, undertake a proceeding to

77 determine if the minimum broadband download speed in this section should be increased to the
78 federal communications commission's benchmark broadband download speed, or to another
79 minimum broadband download speed if the federal communications commission has not
80 increased its benchmark by such date. The department of telecommunications and cable shall
81 also: (a) undertake appropriate measures to inform the public about available broadband
82 products, including retail rate product offerings and low-income offerings; and (b) periodically,
83 but no less than once every five years, review eligibility requirements for the low-income service
84 required pursuant to this section, and update such requirements as may be necessary to meet the
85 needs of consumers.

86

87 h) Whenever there shall be a violation of this section, an application may be made by the
88 attorney general in the name of the people of the commonwealth to a court or justice having
89 jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of
90 not less than five days, to enjoin and restrain the continuance of such violation; and if it shall
91 appear to the satisfaction of the court or justice that the defendant has, in fact, violated this
92 section, an injunction may be issued by the court or justice, enjoining and restraining any further
93 violations, without requiring proof that any person has, in fact, been injured or damaged thereby.
94 In any such proceeding, the court may make allowances to the attorney general as provided in
95 section five of chapter twelve of civil actions and direct restitution. Whenever the court shall
96 determine that a violation of this section has occurred, the court may impose a civil penalty of
97 not more than one thousand dollars per violation. In connection with any such proposed
98 application, the attorney general is authorized to take proof and make a determination of the
99 relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

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SECTION 2. This act shall take effect upon its passage.