



USTELECOM

THE BROADBAND ASSOCIATION



**Opposition of S.9271 (Ryan) / A.10360 (Rozić)**  
***NY Broadband Resiliency, Public Safety, and Quality Act***

On behalf of the above organizations, associations, and internet service providers, we respectfully urge the legislature to oppose S.9271/A.10360. While we share the goal of expanding reliable broadband access, this legislation would ultimately stifle investment in broadband infrastructure by authorizing the New York State Public Service Commission (PSC) to exercise broad and unwarranted utility-style oversight over broadband and voice over internet protocol (VoIP) services.

This legislation is an unnecessary solution in search of a problem, which would create a regulatory regime that is inconsistent with the reality of today's highly competitive broadband marketplace. *First*, competition is strong among internet service providers utilizing multiple technologies, a clear distinction from traditional monopoly-based utilities. *Second*, existing federal and state mechanisms already provide the tools to address consumer complaints, network reliability concerns, and emergency communications, *without* the need to create an entirely new regulatory regime to duplicate those efforts. *Third*, the legislation jeopardizes critical BEAD funding needed for broadband expansion across the state.

S.9271/A.10360 rests on the flawed premise that broadband and VoIP should be regulated like traditional utilities. But *unlike* traditional regulated utilities, including electricity, gas, and water, services such as broadband and VoIP operate in a *highly competitive* marketplace of regional and national wireline, wireless, and satellite providers. In fact, recently released Federal Communications Commission (FCC) data reveals that, as of December 31, 2024, New York had a total of 82 providers offering internet access service connections in the state, including 57 optical-carrier providers, 23 fixed wireless providers, 12 coaxial cable providers, 5 mobile wireless providers, and at least one satellite provider.<sup>1</sup> Nationally, by year-end 2024, there were a total of approximately *554 million* internet access service connections.<sup>2</sup>

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<sup>1</sup> FCC, Office of Econ. & Analytics, *Internet Access Services: Status as of December 31, 2024*, at 50, fig. 47 (Feb. 2026), <https://docs.fcc.gov/public/attachments/DOC-418459A1.pdf> ("FCC Internet Access Services Report").

<sup>2</sup> *Id.* at 3, fig. 1.

New York's consumers continue to benefit from this competition—while electric and gas prices surge significantly above national averages in New York State,<sup>3</sup> real broadband prices have declined.<sup>4</sup> At the same time, internet service providers have continued to invest in and evolve their networks; internet service providers are actively upgrading their systems to deliver high speeds for customers across their service footprints<sup>5</sup> in an intensely competitive environment. Plainly, the market for broadband services bears no resemblance to the legacy monopoly model upon which utility-style regulation is premised.

Maintaining, evolving and growing an infrastructure network is both time and capital intensive. Delivering “always on” connectivity service requires substantial investment in network deployment, resiliency improvements, and next generation technologies. This legislation would undermine the progress that New York's internet service providers continue to make by imposing regulatory obligations that increase the cost and complexity of delivering service without producing a corresponding benefit. It would place additional pressure on the very resources needed to maintain reliable service, respond to outages, improve network performance, and extend connectivity in high-cost areas—where capital costs are significantly higher because of low population density, especially as material and make-ready costs continue to rise.<sup>6</sup> The additional compliance obligations, reporting mandates, and audit authority contemplated in this legislation could force providers to reevaluate planned investments and expansion projects in these areas. As a result, rather than accelerating deployment, this legislation would risk *slowing* broadband expansion, thereby widening the digital divide that New York seeks to address.

In reality, no broadband services need the type of regulation contemplated by this legislation. As demonstrated by the FCC's data, whether consumers choose a fixed or mobile internet service subscription, the broadband marketplace is competitive. More fundamentally, the legislation would increase the administrative and compliance burdens on resources better directed toward strengthening networks, expanding service availability, improving customer service, and raising consumer awareness of affordable connectivity options. Worse, it would unnecessarily divert resources toward compliance with a regulatory regime developed for monopoly services that bears no resemblance to today's highly competitive marketplace.

In addition, establishing state-level regulation over broadband puts New York's federal Broadband Equity, Access, and Deployment (BEAD) funding at serious risk. The National Telecommunications and Information Administration (NTIA) expressly prohibits states from enforcing laws or regulations that directly or indirectly regulate the rates, terms, and conditions of broadband internet service or impose utility-style rules on broadband internet service. This legislation clearly would violate the NTIA prohibition and thus potentially prevent New York from accessing BEAD funding.

The legislation also raises fundamental constitutional and federal preemption concerns. Federal courts and the Federal Communications Commission (FCC) have recognized broadband service as an interstate information service subject to federal jurisdiction. The Communications Act defines broadband internet access service as a Title I information service, exempting it from utility-style regulation extended to common-carrier services in Title II.<sup>7</sup> Similarly, the Communications Act exempts wireless facilities from

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<sup>3</sup> Empire Center for Public Policy, "New York's Electricity Prices Among the Highest in the Country," Empire Center, accessed April 28, 2026, <https://www.empirecenter.org/publications/new-yorks-electricity-prices-among-the-highest-in-the-country>.

<sup>4</sup> George S. Ford, *Are Broadband Prices Rising? The Perils of Naive Price Comparisons*, Phoenix Center Perspectives 26-02 (Phoenix Center for Advanced Legal & Economic Public Policy Studies, February 23, 2026).

<sup>5</sup> See, e.g., Charter Communications, Inc., *Annual Report (Form 10-K)*, at 1 (Jan. 30, 2026), <https://ir.charter.com/static-files/84fb1f3b-a08c-4238-9c0e-a4b6b6f40794>.

<sup>6</sup> Fiber Broadband Association, *Fiber Deployment Cost Annual Report 2025* (Cartesian, 2025).

<sup>7</sup> 47 U.S.C. § 253

state regulation.<sup>8</sup> These legal concerns are not incidental; they go to the core of whether the state may impose the type of regulatory regime contemplated by S. 9271/A.10360.

Finally, this legislation should not be advanced during the final weeks of session following a delayed State Budget process that has significantly compressed the legislative calendar. A proposal that would significantly expand PSC authority over broadband and VoIP services, create overlapping and potentially conflicting requirements without a demonstrated regulatory gap, and impose duplicative obligations on providers should not be rushed through without a clear showing that existing law is inadequate. Advancing S. 9271/A.10360 under these circumstances risks unintended consequences for customers, service reliability, infrastructure deployment, affordability, and the continued improvement of connectivity across the state, ultimately diverting resources away from activities that directly benefit consumers, including network maintenance, service restoration, customer service support, affordability programs, and deployment to hard-to-serve areas.

For the reasons discussed above, we respectfully request that the Legislature oppose this legislation.

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<sup>8</sup> 47 U.S.C. § 332(c)(7)