

[CHAPTER 440J]
TELECOMMUNICATIONS AND CABLE
INDUSTRY INFORMATION REPORTING

Section

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" **[\$440J-1] Definitions.** As used in this chapter, unless the context otherwise requires:

"Broadband access or broadband service" means an "always-on" service that includes but is not limited to computer processing capabilities, information provision, and computing interactivity with data transport, enabling end users to access the Internet and use a variety of applications at minimum speeds established by the Federal Communications Commission.

"Broadband infrastructure" means the medium used to provide broadband access or broadband service, including fiber optic cable, copper cable, coaxial cable, and wireless media, such as satellite communications, wi-fi, and worldwide interoperability for microwave access.

"Broadband speed threshold" means the highest speed threshold defined or established in the most recent broadband progress report issued by the Federal Communications Commission to Congress.

"Department" means the department of commerce and consumer affairs.

"Director" means the director of commerce and consumer affairs.

"Mapping information" means the information required under the United States Department of Commerce's National Telecommunications and Information Administration broadband data and development grant, number 15-50-M09057.

"Provider" means any cable operator, telecommunications carrier, or telecommunications common carrier that provides broadband service. [L 2012, c 259, pt of §2]

" **[\$440J-2] Informational reports.** (a) Beginning on March 1, 2013, and on every March 1 thereafter, every provider, except for commercial mobile radio service providers, shall file with the department, in a form as prescribed by the director, separate reports for each county that include, over the most recent thirty-day period and without any other personal or private information, the following:

- (1) Broadband access availability aggregated at the census-block level and detailed as a percentage of households, addresses, or tax map key parcels that cannot be serviced in a census-block at the broadband speed threshold; and
- (2) The monthly price charged for the broadband service if purchased individually without any discounts.

(b) Beginning on March 1, 2013, and on every March 1 thereafter, commercial mobile radio service providers shall file with the department data and information that is the same as and

not inconsistent with information filed with the Federal Communications Commission. [L 2012, c 259, pt of §2]

" **[§440J-3] Confidential information.** (a) Notwithstanding chapter 92F, statements and reports provided to the department pursuant to section 440J-2, and the data contained therein, shall be kept confidential; provided that the department may disclose mapping information and data aggregated to the extent necessary in the director's discretion to prevent identification of a provider with the specific data furnished by that provider.

(b) Unless otherwise provided by law, the department shall be prohibited from:

- (1) Using the information furnished or obtained for any purpose other than the purposes for which it is supplied; and
 - (2) Making any publication whereby the data furnished by any person can be identified.
- (c) The department shall:
- (1) Ensure the security and confidentiality of the information;
 - (2) Protect against any anticipated threats or hazards to the security or integrity of the information; and
 - (3) Protect against unauthorized access to or use of the information that could result in personal or competitive harm to individuals or providers. [L 2012, c 259, pt of §2]