

# ULSTER COUNTY EXECUTIVE

244 Fair St., P.O. Box 1800, Kingston, New York 12402

Telephone: 845-340-3800

Fax: 845-334-5724

MICHAEL P. HEIN  
*County Executive*

ADELE B. REITER  
*Chief of Staff*



KEN CRANNELL  
*Deputy County Executive*

ROBERT SUDLOW  
*Deputy County Executive*

August 11, 2015

Hon. Kathleen H. Burgess, Secretary  
Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350.

RE: Case 14-C-0370  
In the Matter of a Study on the State of  
Telecommunications in New York State

Dear Ms. Burgess:

On behalf of the County of Ulster, I am pleased the Public Service Commission is undertaking a review of its policies regarding telecommunications. I also appreciate this opportunity to provide comments on this work and on the *Staff Assessment of Telecommunication Services* ("Assessment"). As someone who communicates regularly with a wide range of businesses, non-profit organizations, public agencies, and County residents, I know firsthand how essential high-speed broadband has become to all aspects of our economy and lives. I also have seen how the lack of meaningful regulation has resulted in a patchwork level of broadband service availability, speed and reliability throughout our communities.

High-speed broadband service in the 21<sup>st</sup> Century has become as important as electricity was in the prior century. Reliable, efficient, and affordable access to the Internet is fundamental to New York State's continued economic development, business retention and expansion, educational opportunities, healthcare, quality of life, and public safety. It is important that the Public Service Commission be made aware of the challenges many in New York State face to obtain adequate affordable access to broadband and other telecommunication services. The lack of universal access to this critical utility service in many of our communities and neighborhoods has left too many small businesses and residents unable to access essential information and services, compete in an increasingly digital marketplace, and provide much-needed educational opportunities for their families. As the Assessment correctly states, "Access to the internet is essential to participation in modern society."

It has become increasingly clear that prior determinations by the Public Service Commission (PSC) to relax or avoid regulation of the fast-changing telecommunications industry has not resulted in increased competition or improved consumer service that many had envisioned and predicted. While the Assessment provides substantial data on the availability of competition for voice and video, it passes over the lack of competition for meaningful broadband access. In most areas of New York State, cable service providers are a monopoly or near-monopoly for this service. Yet, they exist with little or no public oversight for customer service, speed, affordability, or equitable deployment of services.

Businesses and residents from many areas of the County consistently note they are left with no realistic or affordable alternatives to obtain essential broadband services. Even with incentives that have been allowed by the PSC to service providers and public grants to expand service areas, too many of our citizens remain unserved or underserved. The Assessment passes over the profound difference in the lack of competition and access when comparing larger metropolitan areas with smaller urban and rural areas. In addition, the Assessment overlooks the existing efforts of local governments in these areas to provide broadband access using their own investment vehicles and incentives. Clearly, such local efforts are in response to public need and demand. It is difficult for municipal governments attempting to expand broadband to even obtain reliable data and information from carriers on areas served and speeds available as Ulster County documented when comparing carrier-provided information with field surveys of deployed infrastructure.

Public policy and resulting regulations were responsible for the universal deployment of electricity in the past century, which was critical to our nation's economic growth and well-being. Over time, these policies have evolved to incorporate other critical public services, and the Commission is now engaged in a robust discussion of their future. It is time to recognize that public policy and regulation regarding telecommunications should have a similar approach to catch up with rapid technological and industry changes. Like electricity, public policy should start with ensuring that all our citizens, regardless of where they live or economic status, have access to dependable, affordable high-speed broadband. Efforts to incentivize universal deployment or rely on voluntary commitments from providers have left too many in our communities lacking the broadband services which have become essential to continued economic development and quality of life.

It is not new to recognize the essential nature of high-speed broadband and to seek to ensure a minimum level of service for all New York businesses and residents with rate and quality protections. However, I would call attention to Figure 13a of the Assessment which illustrates that, in spite of incentives and other actions by the Commission and others, there remains a lack of competition and availability for broadband services greater than 25 mbps in New York State. While County and local governments have been resourceful in expanding and improving services in their areas, many lack the tools, expertise, and funding to accomplish this. The Commission should respond to ensure universal and affordable access as well as appropriate standards so that all of our communities and neighborhoods can benefit from improved actions of the monopoly or near-monopoly providers of these services.

I would like to highlight two important statements in the Assessment, which read as follows:

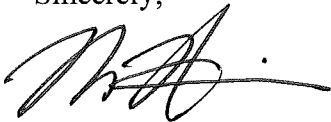
*"The very essence of a world-class communications infrastructure in this State depends upon the strength of its evolving broadband networks."*

*"The extent of the Commission's authority or jurisdiction over broadband services is limited and at present, not fully defined."*

With these statements as a backdrop, I encourage the PSC to develop a regulatory response that ensures universal broadband deployment and which is accompanied by strong standards for speed, consumer service and affordability. The success of our State's businesses and residents requires us to move beyond the current approach towards broadband and ensure the delivery of equitable and universal broadband services throughout our communities.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Hein', with a long horizontal flourish extending to the right.

Michael P. Hein  
County Executive

Attachment: Figure 13a