

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0396.01 Christopher McMichael x4775

HOUSE BILL 26-1211

HOUSE SPONSORSHIP

Story and Mabrey,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF BROADBAND SERVICES BY THE**
102 **PUBLIC UTILITIES COMMISSION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill authorizes the public utilities commission (commission) to regulate broadband service and voice-over-internet protocol (VoIP) service in the state. The commission may adopt rules related to the quality, safety, and resiliency of broadband services in Colorado.

The commission is authorized to conduct evaluations of broadband service facilities and infrastructure and to issue orders that require an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

internet service provider to take remedial actions to correct unsafe or inadequate service. The commission is required to submit to the general assembly an annual report regarding the quality, safety, and resiliency of broadband and VoIP services.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Short title.** The short title of this act is the
3 "Broadband Resiliency, Public Safety, and Quality Act".

4 **SECTION 2. Legislative declaration.** (1) The general assembly
5 finds and declares that:

6 (a) Access to high-speed and reliable broadband service is
7 essential for participation in the economy, education, and civic life;

8 (b) Colorado must ensure that the state's residents have access to
9 broadband networks that are resilient, high quality, and safe;

10 (c) Because voice-over-internet protocol service, or "VoIP
11 service", has replaced traditional voice telephone service for a large
12 segment of Colorado's population, ensuring the reliability of VoIP service
13 is in the public interest; and

14 (d) There is a need to address ambiguity in VoIP service
15 regulations in order to establish and enforce appropriate oversight and
16 regulation of broadband and VoIP services in order to meet the state's
17 goals of providing high-quality, affordable, and safe broadband and VoIP
18 services to Colorado residents.

19 **SECTION 3.** In Colorado Revised Statutes, **add** 40-15-210 as
20 follows:

21 **40-15-210. Regulation of broadband service and**
22 **voice-over-internet protocol service by commission - definitions -**
23 **rules.**

1 (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
2 OTHERWISE REQUIRES:

3 (a) "BROADBAND" OR "BROADBAND SERVICE" MEANS BROADBAND
4 INTERNET SERVICE PROVIDED OVER A BROADBAND NETWORK AND
5 INCLUDES BROADBAND SERVICE PROVIDED OVER LOW EARTH ORBIT
6 INTERNET SATELLITES.

7 (b) "INTERNET SERVICE PROVIDER" MEANS A PERSON, A BUSINESS,
8 OR AN ORGANIZATION QUALIFIED TO DO BUSINESS IN THE STATE THAT
9 PROVIDES INDIVIDUALS OR OTHER PERSONS WITH THE ABILITY TO CONNECT
10 TO THE INTERNET THROUGH USE OF A BROADBAND SERVICE.

11 (2) THE COMMISSION MAY REGULATE INTERNET SERVICE
12 PROVIDERS THAT PROVIDE BROADBAND SERVICE OR
13 VOICE-OVER-INTERNET PROTOCOL SERVICE IN THE STATE IN ACCORDANCE
14 WITH THIS SECTION BY ADOPTING RULES TO REGULATE BROADBAND
15 SERVICE AND VOIP SERVICE WITH RESPECT TO:

16 (a) ESTABLISHING STANDARDS TO ENSURE THE RESILIENCY AND
17 RELIABILITY OF BROADBAND INFRASTRUCTURE;

18 (b) REQUIRING INTERNET SERVICE PROVIDERS TO SUBMIT
19 INFORMATION TO THE COMMISSION RELATED TO BROADBAND NETWORK
20 RELIABILITY, ADEQUACY, AND RESILIENCY;

21 (c) REQUIRING INTERNET SERVICE PROVIDERS TO REPORT
22 OUTAGES;

23 (d) ESTABLISHING SAFETY STANDARDS FOR BROADBAND
24 NETWORKS TO ENSURE PUBLIC SAFETY;

25 (e) REQUIRING INTERNET SERVICE PROVIDERS TO SUBMIT PLANS
26 RELATED TO EMERGENCY PREPAREDNESS AND POST-EMERGENCY
27 BROADBAND NETWORK RESTORATION;

1 (f) ESTABLISHING MINIMUM POWER BACKUP REQUIREMENTS FOR
2 INTERNET SERVICE PROVIDERS; AND

3 (g) REQUIRING INTERNET SERVICE PROVIDERS TO SUBMIT TO THE
4 COMMISSION DATA AND INFORMATION RELATED TO THE DEPLOYMENT,
5 AVAILABILITY, PRICING, AND ADOPTION OF BROADBAND SERVICE AND
6 VoIP SERVICE.

7 (3) THE COMMISSION MAY CONDUCT EVALUATIONS AND AUDITS
8 REGARDING THE QUALITY, SAFETY, AND RESILIENCY OF AN INTERNET
9 SERVICE PROVIDER'S FACILITIES AND INFRASTRUCTURE USED TO PROVIDE
10 BROADBAND SERVICE OR VoIP SERVICE.

11 (4) (a) IF THE COMMISSION CONDUCTS AN EVALUATION OR AUDIT
12 IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION AND FINDS THAT
13 THE PRACTICES, FACILITIES, INFRASTRUCTURE, OR SERVICE OF AN
14 INTERNET SERVICE PROVIDER IS INADEQUATE TO ENSURE THE BROADBAND
15 NETWORK'S QUALITY, RELIABILITY, OR SAFETY, OR IS IN VIOLATION OF ANY
16 RULES ADOPTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE
17 COMMISSION MAY ISSUE AN ORDER TO THE INTERNET SERVICE PROVIDER
18 TO UNDERTAKE REMEDIAL ACTIONS.

19 (b) THE REMEDIAL ACTIONS ORDERED BY THE COMMISSION
20 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION MAY INCLUDE:

21 (I) REQUIRING AN INTERNET SERVICE PROVIDER TO CONDUCT
22 MEASURES TO IMPROVE BROADBAND SERVICE OR CORRECT VIOLATIONS OF
23 THIS SECTION;

24 (II) REQUIRING AN INTERNET SERVICE PROVIDER TO SUBMIT PLANS
25 TO THE COMMISSION THAT DETAIL HOW THE INTERNET SERVICE PROVIDER
26 WILL RESOLVE ANY BROADBAND SERVICE ISSUES OR HOW THE INTERNET
27 SERVICE PROVIDER WILL CORRECT ANY VIOLATIONS OF THIS SECTION;

1 (III) PROHIBITING AN INTERNET SERVICE PROVIDER FROM
2 CONDUCTING CERTAIN ACTIONS THAT MAY BE IN VIOLATION OF THIS
3 SECTION;

4 (IV) REQUIRING AN INTERNET SERVICE PROVIDER TO BUILD,
5 IMPROVE, OR REPAIR INFRASTRUCTURE OR FACILITIES RELATED TO
6 BROADBAND SERVICE THAT MAY BE CAUSING ISSUES OF NETWORK
7 RELIABILITY, SAFETY, OR AFFORDABILITY OR THAT ARE CAUSING
8 VIOLATIONS OF THIS SECTION; AND

9 (V) ISSUING FINES TO AN INTERNET SERVICE PROVIDER THAT
10 VIOLATES THIS SECTION OR RULES ADOPTED BY THE COMMISSION
11 PURSUANT TO THIS SECTION.

12 (c) THE COMMISSION SHALL CREDIT ANY FINES COLLECTED
13 PURSUANT TO THIS SECTION TO THE GENERAL FUND.

14 (5) (a) ON AND AFTER SEPTEMBER 1, 2027, AND ON AND AFTER
15 SEPTEMBER 1 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL
16 SUBMIT A REPORT TO THE GENERAL ASSEMBLY RELATED TO THE QUALITY,
17 RESILIENCY, AND SAFETY OF THE STATE'S BROADBAND SERVICE AND VOIP
18 SERVICE.

19 (b) THE REPORT CONDUCTED BY THE COMMISSION PURSUANT TO
20 THIS SUBSECTION (5) MUST INCLUDE THE FOLLOWING INFORMATION, WITH
21 RESPECT TO THE PRIOR YEAR:

22 (I) THE AMOUNT OF PEOPLE IN COLORADO THAT ARE RECEIVING
23 BROADBAND SERVICE FROM INTERNET SERVICE PROVIDERS;

24 (II) BROADBAND SERVICE PERFORMANCE DATA AND
25 MEASUREMENTS RELATED TO THE QUALITY, RELIABILITY, SAFETY, AND
26 AFFORDABILITY OF BROADBAND SERVICE, AS COMPARED TO ESTABLISHED
27 INDUSTRY STANDARDS FOR BROADBAND SERVICE PERFORMANCE;

1 (III) A LIST OF BROADBAND SERVICE OUTAGES THAT OCCURRED
2 WITHIN EACH INTERNET SERVICE PROVIDER'S SERVICE TERRITORY AND
3 HOW THE SERVICE OUTAGES WERE RESOLVED;

4 (IV) ANY VIOLATIONS THAT THE COMMISSION FOUND AGAINST
5 AND ANY FINES THAT THE COMMISSION ISSUED TO AN INTERNET SERVICE
6 PROVIDER FOR A VIOLATION OF THIS SECTION OR RULES ADOPTED
7 PURSUANT TO THIS SECTION AND THE OUTCOME OF THE VIOLATIONS
8 FOUND; AND

9 (V) ANY OTHER INFORMATION RELEVANT TO THE QUALITY,
10 RELIABILITY, SAFETY, AND AFFORDABILITY OF BROADBAND SERVICE, AS
11 DETERMINED BY THE COMMISSION.

12 (c) THE COMMISSION SHALL SUBMIT THE REPORT PREPARED
13 PURSUANT TO THIS SUBSECTION (5) TO THE HOUSE OF REPRESENTATIVES
14 BUSINESS AFFAIRS AND LABOR COMMITTEE AND THE SENATE BUSINESS,
15 LABOR, AND TECHNOLOGY COMMITTEE, OR THEIR SUCCESSOR
16 COMMITTEES.

17 (d) THE COMMISSION MAY ADOPT ANY RULES NECESSARY RELATED
18 TO THE SUBMISSION OR COLLECTION OF INFORMATION FROM AN INTERNET
19 SERVICE PROVIDER IN ORDER TO CONDUCT THE REPORT REQUIRED
20 PURSUANT TO THIS SUBSECTION (5).

21 (e) THE REPORTS REQUIRED BY SUBSECTION (5)(a) OF THIS
22 SECTION ARE EXEMPT FROM SECTION 24-1-136 (11)(a)(I).

23 **SECTION 4.** In Colorado Revised Statutes, 40-15-401, **amend**
24 (1)(c), (1)(i), and (1)(q); and **repeal** (1)(r) as follows:

25 **40-15-401. Services, products, and providers exempt from**
26 **regulation - definition.**

27 (1) The following products, services, and providers are exempt

1 from regulation under this article 15 or under the "Public Utilities Law"
2 of the state of Colorado:

3 (c) Commercial mobile radio services; EXCEPT THAT THE
4 COMMISSION MAY REGULATE BROADBAND SERVICE IN ACCORDANCE WITH
5 SECTION 40-15-210;

6 (i) Information services; EXCEPT THAT THE COMMISSION MAY
7 REGULATE BROADBAND SERVICE IN ACCORDANCE WITH SECTION
8 40-15-210;

9 (q) Internet-protocol-enabled services; EXCEPT THAT THE
10 COMMISSION MAY REGULATE BROADBAND SERVICE IN ACCORDANCE WITH
11 SECTION 40-15-210;

12 (r) ~~Voice-over-internet protocol service;~~

13 **SECTION 5. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2026 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.