

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 3095

(SENATE AUTHORS: HOFFMAN)

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OFFICIAL STATUS
Introduction and first reading
Referred to Agriculture, Veterans, Broadband, and Rural Development

- 1.1 A bill for an act
- 1.2 relating to broadband; requiring Internet service providers to provide low-cost
- 1.3 broadband Internet to low-income Minnesotans; requiring reports; proposing
- 1.4 coding for new law in Minnesota Statutes, chapter 237.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. **[237.083] BROADBAND FOR LOW-INCOME MINNESOTANS.**
- 1.7 Subdivision 1. **Definitions.** For the purposes of this section, the term "broadband service"
- 1.8 has the meaning given in section 116J.39, subdivision 1, paragraph (b).
- 1.9 Subd. 2. **Low-income service.** (a) Every person, business, or corporation, acting directly
- 1.10 or through an agent, that provides or seeks to provide broadband service in Minnesota must
- 1.11 offer broadband service to low-income consumers when a household is eligible for or
- 1.12 receiving:
- 1.13 (1) Minnesota family investment program benefits;
- 1.14 (2) Supplemental Nutrition Assistance Program benefits;
- 1.15 (3) medical assistance; or
- 1.16 (4) the low-income home energy assistance program under United States Code, title 42,
- 1.17 chapter 94, subchapter II, sections 8621 to 8629.
- 1.18 (b) The low-income broadband service under this section must provide a minimum
- 1.19 download speed of 25 megabits per second.
- 1.20 Subd. 3. **Cost.** (a) Broadband service for low-income consumers under this section must
- 1.21 be provided at a cost of no more than:

(1) \$15 per month for service that provides a minimum download speed of 25 megabits per second; or

(2) \$20 per month for service that provides a minimum download speed of 200 megabits per second.

(b) The prices under this subdivision must be inclusive of any recurring taxes and fees such as recurring rental fees for service provider equipment required to obtain broadband service and usage fees. Broadband service providers shall allow low-income broadband service subscribers to purchase standalone or bundled cable or phone services separately.

(c) After 30 days' notice to its customers and the commission, broadband service providers may increase the price of the service required by this section by the lesser of the most recent change in the consumer price index or two percent per year. Broadband service providers may make a price increase under this paragraph:

(1) once every five years for plans under paragraph (a), clause (1); and

(2) once every two years for plans under paragraph (a), clause (2).

Subd. 4. **Exception.** The requirements in subdivisions 2 and 3 of this section do not apply to any broadband service provider providing service to no more than 20,000 households if the commission determines that compliance with the requirements would result in unreasonable or unsustainable financial impact on the broadband service provider.

Subd. 5. **Contracts.** Any contract or agreement for broadband service targeted to low-income consumers pursuant to this section or otherwise must have the same terms and conditions, other than price and speed, as the regularly priced offerings for similar service.

Subd. 6. **Promotion.** Every person, business, or corporation, acting directly or through an agent, that provides or seeks to provide broadband service in Minnesota shall make all commercially reasonable efforts to promote and advertise the availability of broadband service for low-income consumers, including but not limited to the prominent display of, and enrollment procedures for, the service on the provider's website and in any written and commercial promotional materials developed to inform consumers who may be eligible for service required by this section.

Subd. 7. **Reporting.** Every person, business, or corporation, acting directly or through an agent, that provides or seeks to provide broadband service in Minnesota shall submit to the commission no later than November 15 of each year a compliance report that includes:

(1) a description of the service offered pursuant to this section;

3.1 (2) the number of consumers enrolled in the service;

3.2 (3) a description of the procedures being used to verify the eligibility of customers
3.3 receiving the service;

3.4 (4) a description and samples of the advertising or marketing efforts undertaken to
3.5 advertise or promote the service;

3.6 (5) a description of all retail-rate products, including pricing, offered by the person,
3.7 business, or corporation;

3.8 (6) a description, including speed and price, of all broadband products offered in
3.9 Minnesota;

3.10 (7) the number of customers in arrears for the payment for broadband service, the
3.11 percentage of customers in arrears that qualify for low-income broadband service, the
3.12 number of households that have had their service terminated as a result of nonpayment, the
3.13 number of customers whose service was terminated for arrears arising from nonpayment
3.14 for services other than broadband service, and the number of households that have had their
3.15 broadband service restored after being delinquent on their payments; and

3.16 (8) any other information the commission requires.

3.17 Subd. 8. **Commission duties.** By and at least once every five years thereafter, the
3.18 commission, in consultation with the Office of Broadband Development, shall determine
3.19 if the minimum broadband download speed in this section should be increased to the Federal
3.20 Communications Commission's benchmark broadband download speed or to another
3.21 minimum broadband download speed if the Federal Communications Commission has not
3.22 increased the benchmark. The commission shall also:

3.23 (1) inform the public about available broadband products, including retail-rate product
3.24 offerings and low-income offerings; and

3.25 (2) periodically, but no less than once every five years, review eligibility and price
3.26 requirements for the low-income service required pursuant to this section and inform the
3.27 chairs and ranking minority members of the legislative committees with jurisdiction over
3.28 utility regulation if the commission recommends changing the requirements to meet the
3.29 needs of consumers.

3.30 Subd. 9. **Enforcement.** The attorney general shall enforce this section under section
3.31 8.31.

3.32 **EFFECTIVE DATE.** This section is effective