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Senate Bill 667 (as introduced 6-17-99)  
Sponsor: Senator Mat J. Dunaskiss  
Committee: Technology and Energy

Date Completed: 4-5-00

## **CONTENT**

The bill would create the "Internet Access Enhancement Act of 1999" to require each "wireline broadband Internet access transport provider" that was an Internet service provider, or an affiliate of an Internet service provider, to provide any other requesting Internet service provider with access to its broadband Internet access transport services, unbundled from the provision of content. The access would have to be provided on rates, terms, and conditions that were at least as favorable as those on which the transport provider provided the access to itself, to its affiliate, or to any other person. The access also would have to be provided at any technically feasible point selected by the requesting Internet service provider.

A violation of the bill would be a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$5,000.

"Internet service provider" would mean "a person who provides a service that enables users to access content, information, electronic mail, or other services offered over the internet". "Wireline broadband internet access transport provider" would mean "a person who provides broadband internet access transport services, by aid of wire, cable, or other like connection, over facilities owned by it or under its control for a fee directly or indirectly to the public". The term also would include an Internet service provider that self-provided, over facilities owned by it or under its control, the wireline broadband transport of its services between itself and its users.

"Broadband internet access transport services" would mean the broadband transmission of data between a user and his or her Internet service provider's point of interconnection with the transport provider's facilities. "Broadband" would mean a capability in excess of 144 kilobits per second (which is a measure of how quickly a line can transmit information).

"Affiliate" would mean a person who, directly or indirectly, owned or controlled, was owned or controlled by, or was under common ownership or control with, another person. "Own" would mean to own an equity or other financial interest of more than 10% or any management interest.

Legislative Analyst: S. Lowe

## **FISCAL IMPACT**

Senate Bill 667 would have an indeterminate fiscal impact on local government.

There are no data available to indicate how many people would be convicted of failing to provide the required Internet transport service access. Local units of government would incur the cost of incarceration or receive the fine revenues for this misdemeanor. The cost of incarceration varies among the counties from \$27 to \$65 a day.

The bill would have no fiscal impact on the State.

Fiscal Analyst: K. Firestone  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.