

(S. B. 1489)

**(No. 101-2010)**

(Approved July 28, 2010)

## **AN ACT**

To repeal Act No. 100 of August 26, 2005, known as the “Act for the Development of Free Internet Access Centers throughout Puerto Rico,” and amend Act No. 213 of September 12, 1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” in order to add Section III-7C to authorize the Puerto Rico Telecommunications Regulatory Board to establish an Internet Access Center at each of the Municipalities of Puerto Rico where none exists, together with Central Government agencies, the Municipalities of Puerto Rico, and other private, educational, and community-based entities; to create a guideline and operating procedure handbook to administer said Centers; and to implement wireless Internet access (WiFi) at town squares in Puerto Rico.

### **STATEMENT OF MOTIVES**

The Legislative Assembly of Puerto Rico approved Act No. 100 of August 26, 2005, known as the “Act for the Development of Free Internet Access Centers throughout Puerto Rico,” which authorized the Board to promote, in coordination with Government agencies, the Municipalities of Puerto Rico, private businesses and educational entities, the implementation of an all-encompassing program that includes the establishment of a Free Internet Access Center at each of the Municipalities of Puerto Rico and create a regulation to govern the operations of such centers.

The measure authorizes the Board to receive and administer funds from legislative appropriations, transfers, delegations, contributions, and donations of any kind received from agencies, municipal governments, and the Government of the United States of America, as well as from persons, nongovernment organizations, and other private entities for the design of projects, programs, or services to be carried out or offered by Tele-centers.

After the approval of the measure, the Board conducted a study to understand the scope of its implementation. For this purpose, similar initiatives from other parts of the world were evaluated, particularly from the Community Technology Centres Network of the U. S. Department of Housing and Urban Development, the Community Access Program (CAP) of Canada, Telecottages from Hungary, and the Desarrollo de Ciudades Digitales in Chile (Infocenters). Furthermore, various Technology Centers established throughout Puerto Rico were identified and evaluated, owing to initiatives from the public and the private sectors, Federal programs, and nonprofit entities. Likewise, a questionnaire was prepared to evaluate areas such as infrastructure, locations, and availability of funds at each Municipality. Lastly, different components of the public and the private sectors were approached, as well as nonprofit organizations and educational entities, in order to gauge their willingness to cooperate with the viability of Free Internet Access Centers.

Responses were limited, which is worrisome, since the Act for the Development of Free Internet Access Centers dictates that the participation of these sectors is essential to begin the monumental project of opening Centers in seventy-eight (78) municipalities.

For this reason, this Legislative Assembly believes it necessary to repeal the aforementioned Act No. 100 and charge the Board with the duty to establish an Internet Access Center at each of the Municipalities of Puerto Rico where none exist, together with Central Government agencies, the Municipalities themselves, and other private, educational, and community-based entities; to create a guideline and operating procedure handbook to administer said Centers, and to implement wireless Internet access (WiFi) at town squares.

It is still a nondeferrable mandate for the Government of Puerto Rico to accomplish the main objective of fostering economic development, education, and the People's interest in the use of technology and their Internet access. Unfortunately, many families in Puerto Rico, especially low-income families, do not have the necessary cash flow to handle the cost of owning technology or computer equipment in their homes. Even though the percentage of families in the Island with access to broadband, computers, and therefore, Internet access, has been increasing, there is still a digital gap.

The digital gap defines those with the financial resources to own and access technological advancements, and those who do not. Furthermore, this term makes a distinction between those groups that have the ability to use technology efficiently and in an advanced manner, versus sectors with less technological literacy. Likewise, this phrase refers to those groups that can access quality digital contents, as opposed to groups that do not have this ability.

Based on the principle that development processes themselves depend on bridging the digital gap, governments throughout the world have developed plans that aim to stimulate not only the access, but also the use and ownership of new technologies, with the support of multiple sectors in society. The ownership of WiFi has contributed to bridging the digital gap by allowing access to information from any location. In terms of use, worldwide experience has shown that equal

access to the public serves various purposes, such as cultural, economic, social, and educational development.

This Legislative Assembly, through the creation of Internet Access Centers and the placement of wireless access (WiFi) at town squares shall lead the way for Puerto Rico to bridge the digital gap. Their implementation shall foster their use as entertainment, social, and cultural centers, while promoting the economic development of neighboring localities.

On the other hand, worldwide experience has shown that the success of Internet Access Centers depend on their long-term sustainability. The critical factors for success identified to achieve sustainability are: acceptance and sense of entitlement to the Center by the community; physical location at a known place that is accessible to the community; having an administrator with people skills; foster the development of abilities in the community to create local Internet contents; ensure, through the necessary agreements, the adequate training of the community in the use of information technologies and skill-building; develop a dissemination plan for the services to the community; purchase equipment and provide adequate Internet access; establish business hours that are compatible with the possibilities and needs of the community; establish safety measures for the Center's users and physical assets; provide access to adequate contents for the betterment of the community; generate financial resources; and efficiently manage the same.

In order to achieve this sustainability, the Board shall provide a maximum initial subsidy for the acquisition of information and communication technologies and the furnishings for these Centers, subject to budget limitations and in staggered stages, starting with pilot centers for the next three (3) years, after this measure has been approved. Municipalities shall be in charge of providing the locality, the

personnel, the insurance, the operating and maintenance expenses, and safeguarding their sustainability as of the time of their inauguration.

Furthermore, Municipalities shall be authorized to delegate the Center's administration to a nonprofit organization to guarantee the continuity of operations through written agreements or contracts. Municipalities shall be responsible for notifying the Puerto Rico Telecommunications Regulatory Board about any agreements they have executed.

Likewise, the establishment of wireless access in town squares shall be subject to the budget of the Board and other factors, such as, for instance, the localization of the site and the electric power service, among others, and it shall be subject to the same staggered schedule of implementation of the Centers.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.—Act No. 100 of August 26, 2005, better known as the “Act for the Development of Free Internet Access Centers throughout Puerto Rico,” is hereby repealed.

Section 2.—A new subsection (ll) is hereby added to Section 3, Chapter I of Act No. 213 of September 12, 1996, as amended, to read as follows:

“Section 3.—Definitions.—

(a) ...

(ll) Internet Access Centers.—Municipal service centers where information, assistance, and help are available for anyone who requires the use of information and communication technologies to access the Internet free of charge and on equal conditions.”

Section 3.—Section III-7C is hereby added to Act No. 213 of September 12, 1996, as amended, to read as follows:

“Section III-7C.—Creation of Internet Access Centers and Implementation of Wireless Access at Town Squares.—

The Board is hereby authorized and directed to create Internet Access Centers, together with the pertinent government agencies, the Municipalities of Puerto Rico, and private, educational, and community-based entities. Internet Access Centers are to be established at the municipalities that have none, in those areas that offer better access to citizens. The Board shall have the obligation to conduct the design and initial implementation of these Internet Access Centers, seeking that such Centers have the necessary infrastructure and equipment for compliance with all the provisions of this Act. The Board shall provide a maximum initial subsidy for the acquisition of information and communication technologies and furnishings, subject to the Board’s budget limitations and in staggered stages, through the establishment of pilot centers, for the next three (3) years after the approval of this Act. Municipalities shall have the obligation to provide the premises, the personnel, the maintenance of physical facilities, infrastructure, and equipment, and the payment of utility bills, among others.

In concrete terms, the Board shall provide all the furnishings, computers, security equipment, programming, and minor remodeling of spaces. Municipalities shall provide the spaces, the utilities, telephone lines, recurring costs, and the personnel to administer the Center. The transfer from the Board to the Municipalities shall be conducted when the Centers are inaugurated.

In turn, the Board shall have the obligation to establish Internet access through the use of the technology known as WiFi at town squares in each Municipality, in order for the signal's density to guarantee that citizens shall have optimal and adequate access to ensure quality digital contents. The establishment of wireless access at town squares shall be subject to the Board's budget limitations and other factors, such as, for instance, the geography of the location, the electric power service, among others, and the same staggered schedule of implementation of the Centers.”

Section 4.—Municipalities and other agencies are hereby authorized to receive and administer funds from legislative appropriations, transfers, delegations, contributions, and donations of any kind received from agencies, the Commonwealth and the Federal Governments, as well as from persons, nongovernment organizations, and other private entities for the maintenance and sustainability of these Centers.

Furthermore, Municipalities are hereby authorized to develop activities or to offer additional services to the community, in accordance with the economic, social, cultural, and educational development of the sector they serve, in order to help defray maintenance and operating expenses so as to ensure the Center's sustainability and equal Internet access for everyone.

Municipalities are hereby directed and authorized to establish an adoption program together with the private business sector that helps to defray, in whole or in part, any maintenance or operating costs, to donate services, equipment, or any other adequate material for the Internet Access Centers as directed under this Act. This program shall be established pursuant to the laws and regulations in effect in the Commonwealth and the Federal Governments.

The Board is hereby authorized to serve as facilitator in the solicitation of Federal funding for Municipalities that support the establishment of these Centers.

Section 5.—In the interest of ensuring the public investment and to oversee the sound use of public funds, Municipalities that receive an initial subsidy by virtue of this Act shall be responsible for making the best use of the resources provided and to guarantee the continuity of the Center's operations after the first year of its establishment.

Municipalities may delegate the management of the Center to a nonprofit organization in order to guarantee the continuity of operations through a written contract or agreement. The Municipality shall be responsible for notifying the Telecommunications Regulatory Board of Puerto Rico about the agreement executed for the administration of the Center and the conditions set forth therein.

If the Municipality is not able to continue or transfer the administration of the Center to a nonprofit entity, it shall refund to the Board a fixed or percentage amount, according to the initial subsidy used for the habilitation of the Center, as established in the agreement or contract executed between the Board and the Municipality.

Section 6.—The Board shall prepare a Guideline and Operating Procedure Handbook pursuant to the laws and regulations of the Government of Puerto Rico and the Government of the United States of America.

Section 7.—If any part of this Act should be found to be null by a Court with jurisdiction, this ruling shall not affect or invalidate the remaining provisions of the Act, and its effect shall be limited to the part under such court ruling.



Section 8.—This Act shall take effect immediately after its approval. However, a term of three (3) months is provided as of approval of this Act, in order for the Board to establish a Guideline and Operating Procedure Handbook and adopt forms as necessary for its implementation. In addition, the Board is directed to prepare an implementation schedule for the Centers and the wireless access at town squares pursuant to the provisions of Section III-7C, for which the Board is provided a term of six (6) months.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 101-2010 (S. B. 1489)** of the **3<sup>rd</sup> Session of the 16<sup>th</sup> Legislature** of Puerto Rico:

**AN ACT** to repeal Act No. 100 of August 26, 2005, known as the “Act for the Development of Free Internet Access Centers throughout Puerto Rico,” and amend Act No. 213 of September 12, 1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” in order to add Section III-7C to authorize the Puerto Rico Telecommunications Regulatory Board to establish an Internet Access Center at each of the Municipalities of Puerto Rico where none exists, together with Central Government agencies, the Municipalities of Puerto Rico, and other private, educational, and community-based entities; to create a guideline and operating procedure handbook to administer said Centers; and to implement wireless Internet access (WiFi) at town squares in Puerto Rico.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on the 13<sup>th</sup> day of December, 2012.

María del Mar Ortiz Rivera