

SB002_L.015

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB18-002 be amended as follows:

1 Amend printed bill, page 3, strike lines 6 through 9 and substitute "second
2 downstream and one megabit per second upstream ~~or at measurable~~
3 ~~speeds at least equal to the federal communications commission's~~
4 ~~definition of high-speed internet access or broadband, whichever is faster,~~
5 with:".

6 Page 3, strike lines 14 and 15 and substitute:

7 "(II) Consists of ONLY A SINGLE AREA OF one or more contiguous
8 census blocks in which:".

9 Page 3, strike lines 20 and 21 and substitute:

10 "(B) NO INCUMBENT BROADBAND PROVIDER IS RECEIVING OR HAS
11 BEEN AWARDED FEDERAL BROADBAND SUPPORT, WITH RESPECT TO A
12 PROJECT FOR WHICH CONSTRUCTION HAS NOT YET BEEN COMPLETED, FOR
13 A BROADBAND NETWORK TO SERVE A MAJORITY OF THE HOUSEHOLDS IN
14 EACH INDIVIDUAL CENSUS BLOCK IN THE SAME AREA.".

15 Page 5, line 11, after "(7)," insert "(8)(a), (8)(c),".

16 Page 5, strike line 12 and substitute "and **add** (8)(c.5), (8.5), (10.5), and
17 (10.7) as follows:".

18 Page 5, line 14, after "**creation -**" insert "**definitions -**".

19 Page 6, line 5, strike "providers" and substitute "providers, INCUMBENT
20 BROADBAND PROVIDERS,".

21 Page 6, after line 14 insert:

22 "(a) Developing a project application process that places the
23 burden on an eligible applicant to demonstrate that its proposed project
24 meets the project eligibility criteria established in this subsection (8),
25 including a requirement that the proposal concern a new project, and not
26 a project already in progress, and a requirement to prove that the area to
27 be served by the proposed project is an unserved area. To prove that the
28 area to be served is an unserved area, the applicant must submit a map
29 demonstrating the insufficient availability of broadband service in the
30 area. The applicant must submit the application and map to the board; the
31 board of county commissioners, city council, or other local entity with

1 authority over the area to be served; and ~~an~~ ALL incumbent ~~provider~~
2 PROVIDERS OR INCUMBENT BROADBAND PROVIDERS THAT PROVIDE
3 BROADBAND INTERNET SERVICE OR BROADBAND SERVICE IN THE AREA
4 PROPOSED TO BE SERVED IN THE APPLICATION. The board shall establish
5 a notice and comment period of at least sixty days within which the local
6 entity may review and comment on the application.

7 (c) ~~Minimizing~~ DENYING FUNDING FOR conflicts with, or
8 duplication IN WHOLE OR IN PART of, federal sources of high cost support
9 or federal broadband grants FOR CONSTRUCTION OF A BROADBAND
10 NETWORK so as to maximize the total available state and federal support
11 for rural broadband development;

12 (c.5) DENYING FUNDING FOR OVERBUILDING, IN WHOLE OR IN
13 PART, OF EXISTING BROADBAND NETWORKS IN AREAS THAT DO NOT MEET
14 THE DEFINITION OF UNSERVED AREA IN ORDER TO MAXIMIZE THE TOTAL
15 AVAILABLE SUPPORT FOR FINANCING RURAL BROADBAND DEVELOPMENT;".

16 Page 6, strike lines 19 through 23 and substitute "PROJECT. THE BOARD
17 MAY APPROVE MORE THAN ONE OF THE APPLICANT'S PROJECTS WITHIN A
18 SINGLE YEAR."

19 Page 7, strike line 2 and substitute "GRANT APPLICATION, OR BOTH. IF A
20 PROVIDER OF BROADBAND SERVICE OR A BROADBAND NETWORK THAT
21 ALLEGES FUNDING PROVIDED PURSUANT TO THIS SECTION WILL OVERBUILD
22 OR DUPLICATE, IN WHOLE OR IN PART, THE PROVIDER'S BROADBAND
23 NETWORK, THE PROVIDER IS AN AGGRIEVED PARTY WITH STANDING TO
24 APPEAL UNDER THIS SUBSECTION (8)(j)(III).".

25 Page 7, after line 7 insert:

26 "(8.5) (a) THE BOARD SHALL DENY AN APPLICATION THAT
27 CONTAINS AN AREA THAT DOES NOT MEET THE DEFINITION OF UNSERVED
28 AREA AND SHALL GRANT AN APPEAL TO AN INCUMBENT BROADBAND
29 PROVIDER THAT DEMONSTRATES, BY A PREPONDERANCE OF THE EVIDENCE,
30 THAT AN AREA COVERED BY AN APPLICATION DOES NOT MEET THE
31 DEFINITION OF UNSERVED AREA.

32 (b) IF ALL OTHER APPLICATION REQUIREMENTS, INCLUDING
33 CONTIGUITY, REMAIN MET, AN APPLICATION MAY BE AMENDED AT ANY
34 TIME TO REMOVE FROM THE APPLICATION COVERAGE OF AN AREA THAT
35 DOES NOT MEET THE CRITERIA ESTABLISHED PURSUANT TO THIS SECTION."

36 Page 8, after line 13 insert:

37 "(10.7) AS USED IN THIS SECTION:

1 (a) "INCUMBENT BROADBAND PROVIDER" MEANS A PROVIDER THAT
2 OFFERS BROADBAND INTERNET SERVICE OVER A BROADBAND NETWORK IN
3 AN AREA COVERED BY AN APPLICATION FILED PURSUANT TO THIS SECTION.
4 (b) "OVERBUILD" OR "OVERBUILDING" MEANS PROVIDING A
5 BROADBAND NETWORK TO RESIDENTIAL OR BUSINESS ADDRESSES THAT:
6 (I) AT THE TIME OF APPLICATION, EITHER HAVE ACCESS TO A
7 BROADBAND NETWORK OR HAVE RECEIVED FEDERAL SOURCES OF HIGH
8 COST SUPPORT OR FEDERAL BROADBAND GRANTS TO PROVIDE ACCESS TO
9 A BROADBAND NETWORK; AND
10 (II) ACCOUNT FOR TEN PERCENT OR MORE OF THE TOTAL
11 RESIDENTIAL AND BUSINESS ADDRESSES TO BE SERVED BY A PROPOSED
12 PROJECT."

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