

## CHAPTER 92

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**PUBLIC UTILITIES**

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**HOUSE BILL 18-1099**

BY REPRESENTATIVE(S) Catlin and McLachlan, Arndt, Bridges, Buckner, Carver, Covarrubias, Danielson, Esgar, Exum, Foote, Ginal, Hamner, Herod, Hooton, Jackson, Kennedy, Kraft-Tharp, Landgraf, Lawrence, Lee, Liston, Lontine, McKean, Melton, Michaelson Jenet, Pettersen, Roberts, Rosenthal, Saine, Salazar, Singer, Valdez, Weissman, Wilson, Winter, Young, Duran; also SENATOR(S) Coram, Crowder, Martinez Humenik, Tate, Todd, Zenzinger.

**AN ACT**

**CONCERNING CRITERIA THAT THE BROADBAND DEPLOYMENT BOARD IS REQUIRED TO DEVELOP WITH REGARD TO AN INCUMBENT TELECOMMUNICATIONS PROVIDER'S EXERCISE OF A RIGHT TO IMPLEMENT A BROADBAND DEPLOYMENT PROJECT IN AN UNSERVED AREA OF THE STATE UPON A NONINCUMBENT PROVIDER'S APPLICATION TO THE BROADBAND DEPLOYMENT BOARD TO IMPLEMENT A PROPOSED BROADBAND DEPLOYMENT PROJECT IN THE UNSERVED AREA.**

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

**SECTION 1.** In Colorado Revised Statutes, 40-15-509.5, **amend** (8)(g) as follows:

**40-15-509.5. Broadband service - report - broadband deployment board - broadband administrative fund - creation - repeal.** (8) The board shall direct the commission to transfer money, in a manner consistent with this section, from the account for broadband deployment established in the HCSM to approved grant applicants. The board shall develop criteria for awarding money for new projects expanding broadband networks into unserved areas, including:

(g) (I) With regard to an applicant that has submitted a proposed project to the board, affording each incumbent provider in the area that is not providing access to a broadband network in the unserved area a right of first refusal regarding the implementation of a project in the unserved area.

(II) If an incumbent provider proposes a project for the area, the incumbent provider commits to providing access to a broadband network:

(A) Within one year after the applicant's submission of a proposed project;

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(B) AT DEMONSTRATED DOWNSTREAM AND UPSTREAM SPEEDS EQUAL TO OR FASTER THAN THE SPEEDS INDICATED IN THE APPLICANT'S PROPOSED PROJECT; AND

(C) AT A COST PER HOUSEHOLD IN THE AREA TO BE SERVED THAT IS EQUAL TO OR LESS THAN THE COST PER HOUSEHOLD INDICATED IN THE APPLICANT'S PROPOSED PROJECT.

**SECTION 2. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to applications submitted on or after the applicable effective date of this act.

Approved: April 2, 2018