

GREEN SHEET REDIGEST

HB 1080

2022 Regular Session

Deshotel

UTILITIES: Provides relative to broadband.

DIGEST

Present law provides definitions.

Proposed law makes changes to the definitions of "broadband service" and "unserved".

Present law requires an applicant to provide a description of the broadband service to be provided by including the proposed upstream and downstream speeds to be delivered. Pursuant to present law an area that has access to internet with a connection speed of 3/25 Mbps is not considered an unserved area eligible for a grant.

Proposed law requires the office of broadband and connectivity (office) to collect information to be used to create a statewide broadband map to be utilized by the office in administering the GUMBO program.

Proposed law retains the requirement that an applicant provide a description of the area and proposed connection speed, but raises the minimum allowable connection speed that constitutes an unserved area from 25/3 Mbps to 100/20 Mbps.

Proposed law provides for a procedure for any provider that wants to privately fund broadband deployment services.

Proposed law provides that a provider with plans to privately fund broadband development within 18 months may qualify the area for protection by submitting to the office specific information within 60 days of the close of the application period. A provider seeking to privately fund broadband deployment is required to construct and provide deployable broadband service within the 18 month period to at least 80% of the designated location.

Proposed law requires any provider seeking to privately fund broadband deployment to furnish a bond, in the amount equal to construction and deployment, to guarantee the faithful performance of work.

Proposed law provides that if a provider fails to perform and the performance bond is due, the provider shall be ineligible for any state-administered federal grant program designated for broadband development services.

Proposed law provides that a local governing authority may submit an objection to any provider that seeks to bid to deploy broadband services in the local governing authority area if the provider has received a letter grade rating of "D" or "F" from the Better Business Bureau.

Proposed law requires an entity to submit to the office certain broadband deployment information. The information is required to contain the same information and be provided in the same format as the information that was submitted to the Federal Communications Commission (FCC). The entity is not required to provide any data beyond the information that is required to be provided to the FCC.

Proposed law authorizes the office to contract with a private entity or third-party consultant to develop and maintain the state broadband map and requires such contract to include a confidentiality agreement prohibiting the disclosure of any broadband data provided in accordance with proposed law. Proposed law creates an exception to Public Records Law.

Proposed law provides that certain provisions of proposed law will terminate under either of the following conditions, whichever occurs first:

- (1) A determination by the office that the statewide parish-by-parish broadband map is no longer necessary.
- (2) At midnight on Dec. 31, 2026.

Proposed law authorizes the office to promulgate any necessary rules in accordance with the Administrative Procedure Act.

Present law provides a procedure for protest by the provider and requires the provider to attest that all information is correct. Proposed law retains present law, and specifies that a protest can only be brought to challenge the determination of an area as unserved. Proposed law further modifies the protest process by making changes relative to various time limits.

Present law allows for judicial review of a decision made by the office relative to an award. Proposed law retains present law but limits the grounds for challenge.

Present law requires grant recipients to offer proposed advertised minimum download and minimum upload speeds. Present law requires grant recipients that have offered broadband services to at least 1,000 consumers for at least 5 consecutive years to offer broadband service at prices consistent with offers to consumers in other areas of the state. Present law requires a grant recipient to provide to the office, annually, evidence consistent with FCC attestation that the grant recipient is making available the proposed advertised speed, or a faster speed, as contained in the grant agreement.

Proposed law authorizes the office to require grant recipients to submit a report for each funded project for the duration of the grant agreement.

Present law allows the office to use up to 1% of the appropriate funds to administer the program.

Proposed law raises the cap on the administrative fee from 1% to 2% and specifies that the additional 1% is not to be used for in-office personnel positions.

(Amends R.S. 44:4.1(B)(35) and R.S. 51:2370.2(intro para), (2), and (16), 2370.3, 2370.4(A)(intro para) and (12), (B), and (C)(1), 2370.5(A), (B)(intro para), (D), (E), (H), (I), and (J), 2370.9, 2370.13, and 2370.16)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Provide that an entity is not required to provide any data beyond what is required to be provided to the FCC.
3. Authorize the office to contract with a private entity or third-party consultant to develop and maintain the state broadband map and require such contract to include a confidentiality agreement.
4. Provide that certain provisions of proposed law will terminate for either a determination by the office that a statewide parish-by-parish broadband map is necessary or by Dec. 31, 2026.
5. Authorize the office to require grant recipients to submit a report for each funded project for the duration of the grant agreement.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the reengrossed bill

1. Make technical changes.
2. Provide procedure to privately fund broadband deployment services.
3. Require a provider to construct and deploy broadband service within 18 months to at least 80% of the designated locations.
4. Require a provider to furnish a performance bond in an amount equal to the cost of construction and deployment.
5. Make a provider ineligible for state-administered federal grant if he fails to perform as required under proposed law.
6. Allow a local governing authority to object to a provider with a "D" or "F" letter grade by the Better Business Bureau.