The House Committee on Energy, Utilities and Telecommunications offers the following substitute to HB 336:

A BILL TO BE ENTITLED
AN ACT

To amend Titles 36 and 50 of the Official Code of Georgia Annotated, relating to local government and state government, respectively, so as to provide for broadband deployment incentives and planning; to provide for definitions; to establish certification of certain counties and municipal corporations as broadband ready communities; to provide for duties and responsibilities of the Department of Economic Development; to provide methodology for local governments to apply to the department for certification as a broadband ready community; to provide for the promulgation of rules and regulations and a model ordinance by the department; to provide for the Georgia Technology Authority to develop an annual "Broadband Strategy for All of Georgia" report providing guidance for achieving enhanced broadband deployment throughout this state; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be cited as the "Broadband Strategy for All of Georgia Act."

SECTION 2.
Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by adding a new chapter to read as follows:

"CHAPTER 66C

36-66C-1.
As used in this chapter, the term:
(1) 'Broadband network project' means any wired or wireless Internet access deployment that has the capability of transmitting data at a rate of at least 10 megabits per second in

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the downstream direction and at least 1 megabit per second in the upstream direction to
end users.

(2) 'Broadband service provider' means any provider of wired or wireless
telecommunications services or a public utility that builds or owns a broadband network
project.

(3) 'Department' means the Department of Economic Development.

(4) 'Political subdivision' means a county, municipal corporation, or consolidated
government.

36-66C-2.
(a) A political subdivision may apply to the department for certification as a broadband
ready community. The department shall by rules and regulations prescribe the form and
manner for making an application. The department shall prescribe by rules and regulations
a process for public notice and comment on an application for a period of at least 30 days
after the application is received, except that such process shall not apply to an application
by a political subdivision that enacts a model ordinance developed by the department under
Code Section 36-66C-3.

(b) The department shall approve an application and certify a political subdivision as a
broadband ready community if the department determines that the political subdivision has
enacted an ordinance that complies with Code Section 36-66C-3. If the process for public
notice and comment applies to an application, the department shall, before approving the
application, consider any public comments made regarding such application.

36-66C-3.
(a) A political subdivision shall not be certified as a broadband ready community unless
the political subdivision enacts an ordinance for reviewing applications and issuing permits
related to broadband network projects that provides for all of the following:

(1) Appointing a single point of contact for all matters related to a broadband network
project;

(2) Requiring the political subdivision to determine whether an application is complete
and notifying the applicant about such determination in writing within ten days of
receiving the application;

(3) If the political subdivision receives an application that is incomplete, requiring the
written notification under paragraph (2) of this subsection to specify in detail the required
information that is incomplete;
(4) If the political subdivision does not make the written notification required under paragraph (2) of this subsection, requiring the political subdivision to consider an application to be complete;

(5) Allowing an applicant to resubmit an application as often as necessary until the application is complete;

(6) Within 60 days of receiving an application that is complete, requiring the political subdivision to approve or deny the application and provide the applicant written notification of such approval or denial;

(7) If the political subdivision denies an application, requiring the political subdivision to include in the written notification under paragraph (6) of this subsection evidence that the denial is not arbitrary and capricious;

(8) Requiring that an application shall be considered approved and any required permit shall be issued if the political subdivision does not provide the written notification under paragraph (6) of this subsection;

(9) That any fee imposed by the political subdivision to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable and cost based; and

(10) Allowing all forms, applications, and documentation related to a broadband network project to be filed and signed by electronic or other means authorized by the department.

(b) The department may develop a model ordinance that complies with subsection (a) of this Code section for a political subdivision to use to review applications and issue permits related to broadband network projects.

(c) If the department develops a model ordinance under subsection (b) of this Code section and a political subdivision enacts a different ordinance that complies with subsection (a) of this Code section, the political subdivision shall, when applying for certification under Code Section 36-66C-2, provide the department with a written statement that describes the ordinance and how the ordinance differs from the model ordinance.

36-66C-4.

A political subdivision that the department has certified as a broadband ready community under Code Section 36-66C-2 shall not:

(1) Require an applicant to designate a final contractor to complete a broadband network project;

(2) Impose an unreasonable or noncost based fee to review an application or issue a permit for a broadband network project. Any application fee that exceeds $100.00 shall be considered unreasonable;
(3) Impose a moratorium of any kind on the approval of applications or issuance of permits for broadband network projects or on construction related to broadband network projects;

(4) Discriminate among providers of telecommunications services or public utilities with respect to any action described in this chapter or otherwise related to a broadband network project, including granting access to public rights of way, infrastructure and poles, river and bridge crossings, or any other physical assets owned or controlled by the political subdivision; or

(5) As a condition for approving an application or issuing a permit for a broadband network project or for any other purpose, require the applicant to:

(A) Provide any service or make available any part of the broadband network project to the political subdivision; or

(B) Except for reasonable and cost based fees allowed, make any payment to or on behalf of the political subdivision.

36-66C-5.

(a) Upon the request of a broadband service provider, the department may decertify a political subdivision as a broadband ready community if the political subdivision fails to comply with or modifies the ordinance required for certification under Code Section 36-66C-3 or violates Code Section 36-66C-4.

(b) Upon a complaint that an application fee under an ordinance required for certification under Code Section 36-66C-3 is unreasonable, the department shall determine whether or not such fee is reasonable. In the proceeding for making such determination, the political subdivision shall have the burden of proving the reasonableness of any function undertaken by the political subdivision as part of the application process and the reasonableness of the costs of such functions.

36-66C-6.

The department shall promulgate any reasonable and necessary rules and regulations to effectuate the provisions of this chapter."

SECTION 3.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by adding a new Code section to read as follows:

"50-25-17.

(a) The authority shall develop an annual report to be entitled, 'Broadband Strategy for All of Georgia,' that provides guidance for achieving enhanced broadband deployment
throughout the state such that access to broadband speeds of at least 25 megabits per
second in the downstream direction and at least 3 megabits per second in the upstream
direction is readily available to 99.5 percent of all households and 99.8 percent of all
businesses in this state by 2024. Such annual report shall include:

1. An assessment of the current status of broadband deployment and utilization
   throughout this state;
2. An analysis of funding currently available from the federal government and any other
   sources to either the state or private entities that provide broadband service in this state.
   Such analysis shall include guidelines and requirements established by any federal
   agencies or other entities overseeing such funding sources on how such funds must be
   spent;
3. Any changes to or new rulings under Federal Communications Commission rules and
   regulations, including, but not limited to, rules and regulations relating to state regulation
   of broadband;
4. The role that this state and any of its agencies, departments, authorities, boards, and
   commissions play in broadband deployment and accessibility throughout this state;
5. A list of private companies providing broadband services in this state;
6. An analysis of how current technology trends and advancements will enhance the
   deployment of broadband throughout this state;
7. An assessment of the advantages of broadband deployment for individuals and
   businesses to rural Georgia, including, but not limited to, education, telemedicine, and
   economic development;
8. An assessment of unique challenges for deployment of broadband in sparsely
   populated areas of this state and suggested solutions to meet such challenges; and
9. An analysis of options based on current data regarding the most effectual approaches
   to further facilitate the deployment and utilization of enhanced broadband throughout this
   state.

(b) The report created pursuant to subsection (a) of this Code section shall be submitted
   to the Governor and the General Assembly on or before November 1 of each year and
   made available to the public on the same date by posting a copy of the report on the
   website of the authority. The authority shall not be required to distribute copies of the
   annual report to members of the General Assembly, but shall notify the members of the
   availability of the report in the manner in which it deems to be the most effective and
   efficient.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

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