



HB 336 – The Broadband Strategy for All of Georgia Act - Summary

February 16, 2017

ACCG

This legislation establishes a voluntary program by which cities and counties may adopt local ordinances, meet several conditions, and apply with the State Department of Economic Development to be designated a “Broadband Ready Community”. In order to become said community, a local government is required to adopt ordinances for reviewing applications and issuing permits related to “broadband network projects” which entail:

- Appointing a single point of contact for all matters related to a broadband network project;
- Determining whether an application is complete within 10 days, and notifying the applicant. If this does not occur, the application shall be deemed “complete”;
- Specifying in detail what is required of an applicant when an application is incomplete;
- Allowing an applicant to resubmit an application “as often as necessary” until the application is complete;
- Approving or denying an application within 60 days of receiving a complete application, the notifying the applicant;
- Having an application deemed “approved” and any permit issued if either is not acted on within the 60-day shot clock
- Providing written documentation and evidence that is not “arbitrary and capricious” to the applicant if the application is denied; and
- Allowing all forms, applications and documentation to be filed and signed electronically

A local government cannot:

- Require an applicant to designate a final contractor to complete a broadband network project;
- Impose a permit or application fee exceeding \$100;
- Impose a moratorium of any kind on the approval of applications or issuance of permits;
- Discriminate among providers of telecommunications services or public utilities with respect to any action described here, including granting access to public rights of way, infrastructure and poles, river and bridge crossings, or any other physical asset owned by the local government;
- Require an applicant to provide any service or make available any part of the broadband network project to the government; or

- Except for reasonable and cost based fees allowed, make any payment to or on behalf of the government.

Other tidbits:

- The bill does not state any benefit or action for local governments once they become broadband ready;
- Local governments will be decertified if they fail to comply with any of these provisions;
- Broadband network project is defined as “any wire wired or wireless Internet access deployment that has the capability of transmitting data at a rate of at least 10 megabytes per second in the downstream direction and at least 1 megabyte per second in the upstream direction.
- Broadband provider means any provider of wired or wireless telecommunications services or a public utility that builds or owns a broadband network project.