

SB 402 Summary – Achieving Connectivity Everywhere (ACE) Act

Prepared by the Association County Commissioners of Georgia, April 3, 2018

The “Achieving Connectivity Everywhere (ACE) Act” became the omnibus rural broadband bill for the session, combining most of the original HB 887 and SB 232 – the most notable exception being the exclusion of authorizing EMCs and rural telephone coops to provide broadband.

The legislation encourages the deployment of broadband and other communications technologies. Among many provisions, SB 402 authorizes the Georgia Department of Transportation, in consultation with the Georgia Technology Authority (GTA), to use or lease interstate and state road rights of way, and contract with public or private entities, for the deployment of broadband and other communications technologies. It is intended that a portion of any profits (not federally restricted) here be used for Department of Community Affairs (DCA) or GTA grants to promote broadband.

Broadband is defined as transmitting at least 25 megabits per second downstream and at least 3 megabits per second upstream) throughout the state.

Georgia’s cities and counties are required to include in their comprehensive plans an element for the promotion of the deployment of reasonable and cost-effective broadband services by broadband services providers.

The Georgia Department of Economic Development (DED) is charged with promoting broadband deployment statewide and designating Georgia Broadband Ready Community Sites.

The OneGeorgia Authority is authorized to fund broadband infrastructure and connections as well as fund the acquisition, construction, improvement, or modification of any property used in the provision of broadband services.

The GTA will create a statewide broadband deployment plan; oversee and coordinate state efforts to apply for grants and loans in this regard; provide technical assistance to other state agencies; analyze state assets and properties that can be used for deployment; coordinate federal funds received for broadband purposes between the state and local governments, industry representatives community organizations and others; and submit an annual report to the state on these activities. All state agencies are required to cooperate with GTA in these efforts.

The Department of Community Affairs (DCA) is charged with creating a map of "unserved" areas of Georgia by January 1, 2019, (if said map is not already produced elsewhere) and local governments must assist with this endeavor. Unserved areas are defined as a census block in which broadband services are not available to 20 percent or more of the locations.

Local governments which include a broadband promotion element in their comprehensive plans may apply to DCA to be designated a "Broadband Ready Community". To be eligible, locals must enact ordinances which include a single point of contact for all matters related to broadband network projects; determine whether applications are complete and acting on them within a timely manner; enact reasonable and cost-based permitting fees (not exceeding \$100 per application, unless the city or county can justify a higher amount as reasonable and cost-based); issue no permitting moratoriums; do not discriminate among providers or public utilities providing broadband; authorize deployment of wireless and broadband technologies in their right of way; be efficient in other areas; and follow other rules promulgated by DCA. DCA will develop a model ordinance in this regard and decertify communities failing to live up their designation. Said communities receive OneGeorgia priority for economic development purposes.

DCA shall also develop the Georgia Broadband Ready Community Site Designation Program which designates and promotes facilities/developments with at least 1 gigabit of broadband service in the downstream to end users that can be accessed for business, education, health care, government and other public purposes. The Department of Economic Development will promote these sites as local community assets.

On or before July 1, 2019, DCA will develop the "Georgia Broadband Deployment Initiative", a reverse auction program, to provide funding to qualified broadband providers, to include local governments (which request the least amount of funding in a competitive proposal process), to provide broadband in unserved areas of the state. These monies can only be awarded and used for capital expenses, cannot discriminate between different technologies, and will be awarded in five rounds of grants (one each year for five years). Providers will receive priority if they provide higher broadband speeds; enhance business, education and health care, public safety and government efforts; focus on broadband ready communities; and provide a higher match, among other factors. Providers are prohibited from charging more to customers in unserved areas; and required to serve 90% of the population in the targeted area. Other criteria which may be considered in awarding grants are if the project benefits business, industrial parks, education centers, hospitals and other healthcare facilities, government buildings, and public safety departments; reliability and quality of the technology and service to be utilized; and the completion of deployment in certain time frames. Competitive priority will be given to unserved areas designated as "broadband ready communities" and partnerships that include qualified broadband providers that cooperate in providing information called for in this law.

On June 30, 2019, and on each June 30 thereafter, DCA will provide a report to the Lt. Governor, House Speaker and Governor on the progress of all aforementioned efforts.