



SB 402 – Rural Broadband

Association County Commissioners of Georgia, March 15, 2018

This is now the omnibus rural broadband bill, combining elements of the original HB 887 and SB 232. The legislation encourages the deployment of broadband and other communications technologies. Among many provisions, SB 402 authorizes the Georgia Department of Transportation 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 DCA grants to promote broadband (defined as transmitting at least 25 megabits per second downstream and at least 3 megabits per second upstream) throughout the state.

The bill also authorizes EMCs to provide and operate broadband and other emerging communications technologies within their areas and a five-mile radius thereof - and outside that area if they partner with another EMC. Those EMCs are prohibited from subsidizing their broadband operations from their gas or electricity funds and can accept loans and grants from the public and private sectors. Rural telephone cooperatives are also authorized to provide broadband and other emerging communications technologies, so long as it isn't funded from Universal Access Fund monies.

The state Board of Economic Development and Georgia Technology Authority (GTA) are charged with promoting broadband deployment statewide, and the former will designate Georgia Broadband Ready Community Sites. The OneGeorgia Authority is authorized to fund broadband infrastructure and connections.

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; and submit an annual report to the state on these activities. All state agencies and local governments 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, and local governments must assist with this endeavor.

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, 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, and be efficient in other areas. 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 that can be accessed for public purposes. The Department of Economic Development will promote these sites as local community assets.

By July 1, 2019, DCA will develop the "Georgia Broadband Deployment Initiative" to provide funding to qualified broadband providers (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 used for capital expenses, cannot discriminate between different technologies, 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; required to serve 96% of the population in the targeted area; complete deployment in certain time frames; and provide performance bonds.

Lastly, local governments are prohibited from entering into exclusive arrangements for the use of their right of way (ROW) for broadband facilities; be competitively neutral, reasonable and nondiscriminatory in ROW access; and their rates and fees in unserved areas must mirror charges dictated by the Federal Communications Commission.