

2023 Regular Session

HOUSE BILL NO. 603

BY REPRESENTATIVE DESHOTEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

UTILITIES: Provides relative to Granting Unserved Municipalities Broadband Opportunities (GUMBO)

1 AN ACT

2 To amend and reenact R.S. 51:2370.2(17) and 2370.7(introductory paragraph) and to enact
3 R.S. 51:2370.3(J)(7) through (10), 2370.4(D) through (G), and 2370.7(B) and (C),
4 relative to the Granting Unserved Municipalities Broadband Opportunities program;
5 to provide for definitions; to provide for eligibility requirements; to provide for
6 applications; to provide for scoring; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1.R.S. 51:2370.2(17) and 2370.7(introductory paragraph) are hereby
9 amended and reenacted and R.S. 51:2370.3(J)(7) through (10), 2370.4(D) through (G), and
10 2370.7(B) and (C) are hereby enacted to read as follows:

11 §2370.2. Definitions

12 As used in this Part, the following terms have the following meanings:

13 * * *

14 (17) "Unserved area" means a designated geographic area that is presently
15 without access to broadband service, as defined in this Section, offered by a wireline
16 or fixed wireless provider. An area that has only a digital describer line, or satellite
17 internet below one hundred megabits per second download and twenty megabits per
18 second upload, or fixed wireless below one hundred megabits per second download
19 and twenty megabits per second upload, are considered unserved. Areas included in
20 an application where a provider has been designated to receive funds through other

1 state or federally funded programs designed specifically for broadband deployment
2 shall be considered served if such funding is intended to result in the initiation of
3 activity related to construction of broadband infrastructure in such area within
4 twenty-four months of the expiration of the sixty-day period related to such
5 application established pursuant to R.S. 51:2370.4(C).

6 §2370.3. Ineligibility due to funds; submission of census block, shape file area, and
7 address data; time limitations; mapping

8 * * *

9 J.

10 * * *

11 (7) The challenge process shall start at least ninety days before the future
12 grant round is launched. The state may use the Federal Communications
13 Commission's broadband data map and the National Telecommunications and
14 Information Administration's preferred model approach to conduct the process to
15 allow for local governments, nonprofit organizations, and internet service providers
16 to challenge the service in this state. Providers shall submit challenges within thirty
17 days of mapping information being released publicly. Valid internet service provider
18 reservations for project areas using private funds agreed upon by the office may be
19 a valid basis for a challenge.

20 (8) The director or his designee shall evaluate challenges based on reasons
21 other than if a project area is served or unserved.

22 (9) The office shall keep challenge details confidential for evaluation to the
23 extent required consistent with federal requirements, and pursuant to this Part.

24 (10) Local governments, nonprofit organizations, and internet service
25 providers shall not protest the challenge results.

26 * * *

27 §2370.4. Applications; burden of proof; public comment; protest

28 * * *

1 D. The office shall run a grant round for a thirty day period from when the
2 round is opened until the application deadline. Each grant round may incorporate
3 federal funding programs. A grant round shall be preceded by a challenge process
4 that opened no longer than twelve months prior and no more recently than sixty days.

5 E. The office shall define project areas eligible for grant funding based on
6 the most recently updated Federal Communications Commission's map and shall
7 adjust funding according to the outcomes of the challenge process. Any new
8 broadband serviceable locations within the defined project area that are not included
9 on the latest Federal Communications Commission's map are to be served by the
10 award winner before project completion

11 F. The office shall release project areas prior to the start of the grant round.

12 G. The Joint Legislative Committee on Technology and Cybersecurity shall
13 approve project areas defined by the office before a grant round begins.

14 §2370.7. Scoring

15 A. Applications shall be scored based upon a system that awards a single
16 point for criteria considered to be the minimum level for the provision of broadband
17 service with additional points awarded to criteria that exceed minimum levels. The
18 office shall develop a scoring system in accordance with the following:

19 * * *

20 B. Local governments, nonprofit organizations, and internet service
21 providers may challenge the award up to seven days after the announcement if the
22 entity believes that a scoring error occurred that would result in an award change.

23 C. The office shall amend scoring to comply with federal guidelines if
24 federal grant funds are being used.

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored
are additions.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 603 Original

2023 Regular Session

Deshotel

Abstract: Provides for changes relative to GUMBO, the office of broadband development and connectivity (office), and broadband service providers.

Present law defines "unserved area".

Proposed law retains present law and further provides that an area that has only a digital describer line, or satellite internet below 100 megabits per second download and 20 megabits per second upload, or fixed wireless below 100 megabits per second download and 20 megabits per second upload is considered unserved.

Present law authorizes any entity submitting broadband data to the office to challenge any project area ultimately deemed eligible.

Proposed law retains present law and requires the office to start the challenge process at least 90 days before the future grant round is launched. Authorizes the office to use the Federal Communications Commission's (FCC) broadband data map and the National Telecommunications and Information Administration's preferred model approach to conduct the process for local governments, nonprofit organizations, and internet service providers to challenge the service in this state.

Proposed law authorizes the office to validate a basis for challenge upon a valid internet service provider's reservations for project areas using private funds. Further requires the director of the office or his designee to evaluate challenges based on reasons other than if a project area is served or unserved. Further requires the office to keep challenge details confidential to the extent required for evaluation and consistency with federal requirements.

Proposed law prohibits local governments, nonprofit profit organizations, and internet service providers from protesting the challenge results.

Present law provides for the application process to receive funding.

Proposed law retains present law and requires the office to run a grant round for a 30 day period from the date the round is opened until the application deadline. Authorizes the office to incorporate federal funding into grant rounds. Requires a grant round to be preceded by a challenge process that opened no longer than 12 months prior and no more recently than 60 days.

Proposed law requires the office to define project areas eligible for grant funding based on the most recently updated map by the FCC and requires adjustment to funding according to the outcomes of the challenge process. Provides that new broadband serviceable locations within the defined project area that are not included on the latest FCC map are to be served by the award winner before project completion. Further requires all project areas to be released to the public before a grant round.

Proposed law requires the Joint Legislative Committee on Technology and Cybersecurity to approve project areas before the beginning of a grant round.

Present law requires applications to be scored based upon a system that awards a single point for criteria considered to be the minimum level for the provision of broadband service with additional points awarded to criteria that exceed minimum levels. Further requires the office to develop the scoring system.

Proposed law retains present law and authorizes local governments, nonprofit organizations, and internet service providers to challenge the award up to 7 days after the announcement if the entity believes that a scoring error occurred that would result in an award change. Further requires the office to amend scoring to comply with federal guidelines if federal grant funds are being used

(Amends R.S. 51:2370.2(17) and 2370.7(intro. para.); Adds R.S. 51:2370.3(J)(7)-(10), 2370.4(D)-(G) and 2370.7(B) and (C))