**1336-S.E AMS WELL S2909.2 - NOT FOR FLOOR USE**

**ESHB 1336** - S AMD TO ENET COMM AMD (S-2328.2/21) **806**

By Senator Wellman

**ADOPTED 04/11/2021**

On page 4, line 22, after "district" strike "is encouraged to examine and" and insert "must"

On page 4, line 23, after "body" insert "and to the state broadband office"

On page 4, line 30, after "unserved" strike "or underserved"

On page 4, at the beginning of line 35, strike "and"

On page 4, line 38, after "43.330.536" insert ";

(f) Sources of funding for the project that will supplement any grant or loan awards; and

(g) A strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users"

On page 5, beginning on line 1, after "(2)" strike all material through "upload." on line 4 and insert "The state broadband office must post a review of the proposed project on their website.

(3) For the purposes of this section, "unserved" means an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed."

On page 6, beginning on line 25, after "(2)" strike all material through "RCW 80.04.010." on line 26 and insert "(a) Before providing telecommunications services pursuant to subsection (1) of this section, a town must examine and report to its governing body and to the state broadband office the following about the area to be served by the town:

(i) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(ii) The location of where retail telecommunications services will be provided;

(iii) Evidence relating to the unserved nature of the community in which retail telecommunications services will be provided;

(iv) Expected costs of providing retail telecommunications services to customers to be served by the town;

(v) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536;

(vi) Sources of funding for the project that will supplement any grant or loan awards; and

(vii) A strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users.

(b) The state broadband office must post a review of the proposed project on its website.

(3) For purposes of this section:

(a) "Telecommunications" has the same meaning as defined in RCW 80.04.010.

(b) "Unserved" means an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed."

On page 6, beginning on line 37, after "(2)" strike all material through "RCW 80.04.010." on line 38 and insert "(a) Before providing telecommunications services pursuant to subsection (1) of this section, a second-class city must examine and report to its governing body and to the state broadband office the following about the area to be served by the second-class city:

(i) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(ii) The location of where retail telecommunications services will be provided;

(iii) Evidence relating to the unserved nature of the community in which retail telecommunications services will be provided;

(iv) Expected costs of providing retail telecommunications services to customers to be served by the second-class city;

(v) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536;

(vi) Sources of funding for the project that will supplement any grant or loan awards; and

(vii) A strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users.

(b) The state broadband office must post a review of the proposed project on its website.

(3) For purposes of this section:

(a) "Telecommunications" has the same meaning as defined in RCW 80.04.010.

(b) "Unserved" means an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed."

On page 7, beginning on line 10, after "(2)" strike all material through "RCW 80.04.010." on line 11 and insert "(a) Before providing telecommunications services pursuant to subsection (1) of this section, a county must examine and report to its governing body and to the state broadband office the following about the area to be served by the county:

(i) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(ii) The location of where retail telecommunications services will be provided;

(iii) Evidence relating to the unserved nature of the community in which retail telecommunications services will be provided;

(iv) Expected costs of providing retail telecommunications services to customers to be served by the county;

(v) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536;

(vi) Sources of funding for the project that will supplement any grant or loan awards; and

(vii) A strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users.

(b) The state broadband office must post a review of the proposed project on its website.

(3) For purposes of this section:

(a) "Telecommunications" has the same meaning as defined in RCW 80.04.010.

(b) "Unserved" means an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed."

On page 9, line 37, after "district" strike "is encouraged to examine and" and insert "must"

On page 9, line 37, after "body" insert "and to the state broadband office"

On page 10, line 6, after "unserved" strike "or underserved"

On page 10, line 10, after "district;" strike "and"

On page 10, line 13, after "43.330.536" insert ";

(f) Sources of funding for the project that will supplement any grant or loan awards; and

(g) A strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users"

On page 10, beginning on line 14, after "(2)" strike all material through "upload." on line 17 and insert "The state broadband office must post a review of the proposed project on their website.

(3) For the purposes of this section, "unserved" means an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed."

EFFECT: (1) Requires, rather than encourages, a public utility district and port district to make specified findings and report to its governing body before providing retail telecommunications services.

(2) Requires a public utility district and port district to also report specified findings to the Statewide Broadband Office.

(3) Adds report requirements regarding sources of funding for the project that will supplement any grant or loan program, and a strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users.

(4) Requires the Statewide Broadband Office to post a review of the proposed project on its website.

(5) Removes the report requirement regarding evidence relating to the underserved nature of the community in which retail telecommunications services will be provided.

(6) Adds the requirement for a town, second-class city, and county to make specified findings and report to its governing body and the Statewide Broadband Office before providing retail telecommunications services.

(7) Redefines "unserved" as an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload rather than a census block in which no provider has the capacity to deliver internet access service at speeds of a minimum of 25 megabits download and three megabits upload.