

Draft C of C Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following:

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3 1 Broadband Matching Grant Initiative; Findings and Purpose. The COVID-19 pandemic has
4 shown the absolute necessity for broadband Internet access for all New Hampshire residents for
5 working, education, medicine, social interaction, and other purposes. The pandemic has also shown
6 gaps in adequate coverage primarily in rural areas of New Hampshire. Increasingly residents are
7 going to require better access to broadband at a sufficient upload and download speed. A matching
8 grant that utilizes state and federal funds shall be matched by political subdivision and private
9 funds is essential to improved broadband access. The general court recognizes that a public-private
10 partnership is essential to developing broadband access required in New Hampshire.

11 2 New Subdivision; Broadband Matching Grant Initiative; Department of Energy. Amend RSA
12 12-P by inserting after section 15 the following new subdivision:

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Broadband Matching Grant Initiative

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12-P:16 Broadband Matching Grant Initiative Established.

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16 I. There is hereby established within the department of energy a broadband matching grant
17 initiative, the purpose of which shall be to provide matching grants to broadband providers, political
18 subdivisions, and communications districts in order to improve broadband availability across the
19 state. When awarding grants, the department shall take into consideration broad geographic
20 coverage of broadband services in New Hampshire and participation of political subdivisions and
21 broadband providers in the grant process that will support business and residential users.

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23 II. Eligible projects shall provide high speed Internet access in unserved areas of the state
24 that lack access to broadband services, as defined in RSA 38:38, I(f), from at least one broadband
25 provider.

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27 III. Any broadband provider, political subdivision, or communications district formed under
28 RSA 53-G shall be eligible for a grant of up to 50 percent of the total eligible costs of a project.
29 Projects under construction at the time of application shall be ineligible. Projects in the planning
30 stages shall be eligible.

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12-P:17 Program Guidelines; Rulemaking.

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33 I. The department of energy shall adopt rules under RSA 541-A, relative to grant application
34 and distribution procedures.

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36 II. The rules shall, at a minimum, include the following:

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1 (a) Establishment of a technology-neutral competitive grant process based on objective
2 criteria.

3 (b) Establishment of a challenge process, with reasonable timelines, through which
4 information may be provided to the state to ensure that funds are not used to build projects in served
5 areas or areas where construction of a network to provide broadband service is planned to be
6 complete within one year.

7 (c) A method to ensure an applicant's trade secrets, financial information, and
8 proprietary information submitted as part of an application are exempt from disclosure under RSA
9 91-A.

10 (d) Establishment of a process that promotes faster service, up to and including gigabit
11 service.

12 III. The department of energy shall ensure that any grants awarded to broadband providers
13 are provided with an appropriate level of consultation with the local governing bodies and a
14 determination that the grants advance the goal of deploying broadband to unserved areas within
15 communities.

16 IV. Eligible costs for the program shall include, but are not limited to:

17 (a) Costs associated with access to utility poles and other necessary structures.

18 (b) Construction of broadband network infrastructure in eligible areas.

19 (c) Construction of service connections to individual homes or businesses.

20 (d) Upgrades to existing infrastructure that currently provides service that does not
21 meet the minimum definition of broadband in RSA 38:38, I(c).

22 (e) All other costs directly attributable to the construction project. In cases where a cost
23 is shared with another ongoing project, shared costs shall be prorated.

24 (f) Planning costs related to network design and program eligibility.

25 V. Eligible costs shall not include any operating expenses or other recurring costs.

26 VI. The broadband provider, political subdivision, or communications district shall provide a
27 minimum of 50 percent of the total cost of the project. Sources of the match may include revenue
28 bonds issued by the political subdivision, bonds issued by the communication district, or private
29 investment by broadband providers either jointly or independently. Sources of the match provided
30 by broadband providers shall not include other federal or state funding awarded specifically to
31 support the expansion of broadband networks.

32 VII. The department of energy shall not, as a condition of an award of grant money, impose
33 any requirement, rate regulation, or other term or condition of service that differs from the
34 applicant's terms or conditions of service in its other service areas.

35 12-P:18 Broadband Matching Grant Fund.

36 I. There is hereby established the broadband matching grant fund. The fund shall be kept
37 separate and distinct from all other funds and shall be continually appropriated to the commissioner

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1 of the department of energy for the purposes of this subdivision. In addition to state appropriations,
2 the department may accept gifts, grants, and donations for deposit into the fund.

3 II. Any federal funds received by the state for the purposes of expanding or improving
4 Internet access that are not otherwise committed to other programs or required by the federal
5 legislation authorizing the funds shall be deposited into the broadband matching grant fund.

6 3 New Subparagraph; Dedicated Funds; Broadband Matching Grant Fund. Amend RSA 6:12,
7 I(b) by inserting after subparagraph (364) the following new subparagraph:

8 (365) Moneys deposited in the broadband matching grant fund under RSA 12-P:18.

2021-1904h

AMENDED ANALYSIS

This bill establishes the broadband matching grant initiative and fund in the department of energy.