

Amendment to SB 85-FN

1 Amend the bill by replacing section 2 with the following:

2
3 2 New Subdivision; Broadband Matching Grant Initiative. Amend RSA 4-C by inserting after
4 section 37 the following new subdivision:

5 Broadband Matching Grant Initiative

6 4-C:38 Broadband Matching Grant Initiative Established.

7 I. There is hereby established within the office of strategic initiatives a broadband matching
8 grant initiative, the purpose of which shall be to provide matching grants to broadband providers,
9 political subdivisions, and communications districts in order to improve broadband availability
10 across the state. When awarding grants, the office of strategic initiatives shall take into
11 consideration broad geographic coverage of broadband services in New Hampshire and participation
12 of political subdivisions and broadband providers in the grant process that will support business and
13 residential users.

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

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

21 4-C:39 Program Guidelines; Rulemaking.

22 I. The office of strategic initiatives shall adopt rules under RSA 541-A and RSA 4-C:5,
23 relative to grant application and distribution procedures.

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

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

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

Amendment to SB 85-FN
- Page 2 -

1 (c) A method to ensure an applicant's trade secrets, financial information, and
2 proprietary information submitted as part of an application are exempt from disclosure under RSA
3 91-A.

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

6 III. The office of strategic initiatives shall ensure that any grants awarded to broadband
7 providers are provided with an appropriate level of consultation with the local governing bodies and
8 a determination that the grants advance the goal of deploying broadband to unserved areas within
9 communities.

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

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

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

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

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

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

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

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

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

26 VII. The office of strategic initiatives shall not, as a condition of an award of grant money,
27 impose any requirement, rate regulation, or other term or condition of service that differs from the
28 applicant's terms or conditions of service in its other service areas.

29 4-C:40 Broadband Matching Grant Fund.

30 I. There is hereby established the broadband matching grant fund. The fund shall be kept
31 separate and distinct from all other funds and shall be continually appropriated to the director of the
32 office of strategic initiatives for the purposes of this subdivision. In addition to state appropriations,
33 the office of strategic initiatives may accept gifts, grants, and donations for deposit into the fund.

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