

Amendment to SB 88

Amend section 1 of Part II of the bill by replacing RSA 374:34-a, III with the following:

III. The commission shall adopt rules under RSA 541-A to carry out the provisions of this section, including appropriate formula or formulae for apportioning costs, **and shall adopt rules under RSA 541-A implementing the provisions of One Touch Make Ready (OTMR) as adopted by the Federal Communications Commission in 47 CFR 1.1411(j).**

Amend the bill by replacing Part III with the following:

PART III

Relative to the issuance of bonds for financing broadband infrastructure.

1 Broadband Infrastructure Bonds. Amend RSA 33:3-g, III and IV to read as follows:

III. A municipality, **county, or communications district** shall not issue bonds for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in any location within a municipality, **county, or communications district** unserved by broadband as defined in RSA 38:38, I(c) unless a request for information has been issued, at a minimum, to all providers serving the issuing community **in accordance with RSA 33:3-g, IV** and such providers have been given ~~[2-months]~~ **30 days** to respond to the request. The request for information ~~[may]~~ **shall** include, but is not limited to, information identifying ~~[locations]~~ **addresses** within a municipality, **county, or communications district**, served by broadband as defined in RSA 38:38, I(c). **A response shall meet the requirements of this paragraph if it includes, in either map or spreadsheet form, street level information identifying the first and last serviceable address.** After completing, issuing, and receiving responses to such request for information, a municipality, **county, or communications district** may issue a request for proposals for the purpose of engaging in a public-private partnership pursuant to RSA 33:3 or RSA 33-B for the deployment of broadband infrastructure, as defined in RSA 38:38, I(e), and the provision of broadband service as defined in RSA 38:38, I(f). A municipality, **county, or communications district** may select a proposal based on criteria including, but not limited to, provider ability to deploy, manage, and maintain a broadband network. **Requests for proposals shall include, in either map or spreadsheet form, street level information identifying the first and last serviceable address.** A municipality, **county, or communications district** may determine that no provider has met the criteria included

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1 in the request for proposals and may issue bonds for purposes pursuant to RSA 33:3 and RSA 33-B,
2 including but not limited to, open networks. If a broadband provider does not respond to a request
3 for information pursuant to this paragraph, the locations served by that broadband provider shall be
4 considered unserved, unless those locations are served by a broadband provider who responded to
5 that municipality's request for information.

6 IV. ~~[Any request for information issued pursuant to this section after December 31, 2020~~
7 ~~shall conform with a model request for information issued by the New Hampshire department of~~
8 ~~business and economic affairs.]~~ ***The office of strategic initiatives shall maintain a list by town***
9 ***of all providers interested in receiving requests for information. The list shall include***
10 ***physical and electronic address information for interested providers and shall be updated***
11 ***as needed, but at least annually. For purposes of issuing requests for information***
12 ***pursuant to paragraph III, a municipality, county, or communications district shall***
13 ***reference the interested provider list maintained by the office of strategic initiatives and***
14 ***shall issue requests for information to all interested providers in that municipality,***
15 ***county, or communications district, both electronically and by United States mail.***

16 2 Effective Date. Part III of this act shall take effect 60 days after its passage.