

Amendment to SB 85-FN

1 Amend the bill by replacing all after section 3 with the following:

2  
3 4 New Subdivision; Broadband Matching Grant Initiative; Department of Energy. Amend RSA  
4 12-P by inserting after section 15 the following new subdivision:

5 Broadband Matching Grant Initiative

6 12-P:16 Broadband Matching Grant Initiative Established.

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

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

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

20 12-P:17 Program Guidelines; Rulemaking.

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

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

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

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

30 (c) A method to ensure an applicant's trade secrets, financial information, and  
31 proprietary information submitted as part of an application are exempt from disclosure under RSA  
32 91-A.

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

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

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

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

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

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

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

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

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

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

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

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

26 12-P:18 Broadband Matching Grant Fund.

27 I. There is hereby established the broadband matching grant fund. The fund shall be kept  
28 separate and distinct from all other funds and shall be continually appropriated to the commissioner  
29 of the department of energy for the purposes of this subdivision. In addition to state appropriations,  
30 the department may accept gifts, grants, and donations for deposit into the fund.

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

34 5 New Subparagraph; Dedicated Funds; Broadband Matching Grant Fund. Amend RSA 6:12,  
35 I(b) by inserting after subparagraph (364) the following new subparagraph:

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

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1       6 Contingency. If HB 2 of the 2021 general legislative session becomes law and includes  
2 provisions establishing a department of energy, sections 4 and 5 of this act shall take effect on July  
3 1, 2021, and sections 2 and 3 of this act shall not take effect. If HB 2 does not become law, and/or  
4 does not include provisions establishing a department of energy, sections 2 and 3 of this act shall  
5 take effect on July 1, 2021, and sections 4 and 5 of this act shall not take effect.

6       7 Effective Date.

7           I. Sections 2-5 of this act shall take effect as provided in section 6 of this act.

8           II. The remainder of this act shall take effect on July 1, 2021.

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AMENDED ANALYSIS

This bill establishes the broadband matching grant initiative and fund in the office of strategic initiatives. The bill also includes contingent provisions to establish the initiative within the department of energy.