

## HOUSE BILL No. 2618

By Committee on Energy, Utilities and Telecommunications

2-11

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1 AN ACT concerning broadband deployment; relating to the department of  
2 commerce, office of broadband deployment; establishing the state  
3 broadband deployment grant program.  
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5 WHEREAS, The state of Kansas recognizes that promoting access to  
6 broadband services throughout the state not only provides reliable internet  
7 access, but also acts as a tool for promoting economic development, rural  
8 revitalization, public safety, educational opportunities, healthcare and  
9 agriculture.

10 WHEREAS, The state of Kansas has a goal to ensure that every Kansan  
11 and every appropriate location in Kansas has access to high speed  
12 broadband services.

13 WHEREAS, Increased deployment of broadband services and  
14 infrastructure will improve the long-term quality of life for all Kansans  
15 and will ensure that Kansas continues to compete locally and globally.

16 Now, therefore:

17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. (a) There is hereby established the state broadband  
19 deployment grant program to be administered by the office of broadband  
20 development of the department of commerce. The purpose of the state  
21 broadband deployment grant program is to establish a competitive grant  
22 program to award grants to applicants that seek to expand access to  
23 broadband internet service in the state. Funding for the state broadband  
24 deployment grant program shall be subject to appropriation acts.

25 (b) The office of broadband development of the department of  
26 commerce shall serve as the central office to lead a statewide effort to  
27 expand broadband coverage and capacity within the state. The office of  
28 broadband development shall work with cities and counties to promote the  
29 state broadband deployment grant program and shall serve as the central  
30 point of contact for cities and counties regarding such program.

31 (c) Applicants shall submit an application for grant funding to the  
32 office of broadband development in the form and manner established by  
33 the office of broadband development. An application for a grant shall  
34 include, but not be limited to, the following information:

35 (1) A description of the project area;

36 (2) a description of the broadband internet infrastructure that is

1 proposed to be deployed;

2 (3) the number of locations that would obtain access to broadband  
3 internet service or have broadband internet service upgraded; and

4 (4) the total cost of the project and the time frame in which such  
5 proposed project will be completed.

6 (d) (1) In each fiscal year, at least 30 days prior to the first day that  
7 applications may be submitted, the office of broadband development shall  
8 publish on the department of commerce's website the specific criteria and  
9 the quantitative weighting scheme or scoring system the office will use to  
10 evaluate or rank applications and award grants pursuant to this section.

11 (2) Within 15 business days of the close of the grant application  
12 process, the office of broadband development shall publish on the  
13 department of commerce's website the proposed areas and the proposed  
14 broadband internet speeds for each application submitted. The office shall  
15 provide a copy of any application to an interested party upon request.

16 (3) Within 45 days of publication of the information under paragraph  
17 (2), a broadband internet service provider that provides existing service in  
18 or adjacent to the proposed project area may submit a written challenge to  
19 an application to the office of broadband development. Such challenge  
20 shall contain information demonstrating that the provider:

21 (A) Currently provides broadband internet service to retail customers  
22 within the proposed area;

23 (B) has begun construction to provide broadband internet service to  
24 customers within the proposed area; or

25 (C) has committed to providing broadband internet service to retail  
26 customers within the proposed area within the timeframe proposed by the  
27 applicant.

28 (4) Within three business days of the submission of a written  
29 challenge, the office of broadband development shall notify the applicant  
30 of such challenge.

31 (5) The office of broadband development shall evaluate each  
32 challenge submitted under this subsection. If the office determines that the  
33 provider currently provides, has begun construction to provide or commits  
34 to provide broadband internet service in the proposed project area, the  
35 office may deny a grant for the challenged project.

36 (6) If the office of broadband development denies a grant to an  
37 applicant as a result of a broadband internet service provider challenge  
38 under this subsection and such provider does not fulfill its commitment  
39 made pursuant to paragraph (3), the office shall not consider another  
40 challenge from such provider for the next two grant cycles, unless the  
41 office determines the failure to fulfill the commitment was due to  
42 circumstances beyond the provider's control.

43 (e) The office of broadband development shall use a weighing

1 scheme or scoring system including, at a minimum, the following elements  
2 to rank applications:

3 (1) Financial, technical and legal capability of the applicant to deploy  
4 and operate broadband internet service;

5 (2) the number of locations served in the most cost-efficient manner  
6 possible considering the project area density;

7 (3) available minimum broadband speeds;

8 (4) ability of the infrastructure to be scalable to higher broadband  
9 internet speeds;

10 (5) commitment of the applicant to fund at least 50% of the project  
11 from sources other than funds provided by grants pursuant to this section;

12 (6) the length of time the provider has been operating, the length of  
13 time the provider has been operating broadband internet services and  
14 where the provider has been operating;

15 (7) the offering of new or substantially upgraded broadband internet  
16 service that is important to communities;

17 (8) the offering of service to economically distressed areas of the  
18 state, as measured by indices of unemployment, poverty or population loss  
19 that are significantly greater than the statewide average;

20 (9) the ability to provide technical support and training to residents,  
21 businesses and institutions in the community of the proposed project to  
22 utilize broadband internet service;

23 (10) plans to actively promote the adoption of the newly available  
24 broadband internet service in the community;

25 (11) support for the proposed project from citizens, businesses and  
26 institutions in the community;

27 (12) the provider's cooperation with cities or counties in the proposed  
28 deployment area; and

29 (13) the likelihood of cities or counties within the proposed  
30 deployment area to provide access to the public right-of-way pursuant to  
31 the exercise of home rule authority by such city or county to regulate the  
32 public right-of-way.

33 (f) (1) No grant provided pursuant to this section shall fund more than  
34 50% of the total cost of a project.

35 (2) The office of broadband development shall endeavor to award  
36 grants to qualified applicants in all regions of the state.

37 (g) As a condition of an award of a grant, the office of broadband  
38 development shall require a provider to meet reasonable deployment  
39 deadlines and other benchmark measures throughout the deployment  
40 process. If such provider fails to meet the deployment deadlines and other  
41 benchmark measures established for such deployment, the office shall not  
42 consider another application for grant funding from such provider for the  
43 next two grant cycles.

1 (h) The department of commerce in consultation with the office of  
2 broadband development shall promulgate any necessary rules and  
3 regulations to administer the provisions of this section.

4 Sec. 2. This act shall take effect and be in force from and after its  
5 publication in the statute book.