

SENATE BILL 1338

By Bailey

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3; Title 7; Title 65 and Title 67, relative to broadband services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-708(d), is amended by deleting the first sentence and substituting instead:

The department shall administer the program pursuant to this section and policies developed by the department that are not in conflict with this section.

Notwithstanding any law to the contrary, this chapter, and any policies developed by the department to administer the program pursuant to this chapter, apply to the program and any other broadband program in which state or federal funds are used to promote the deployment or expansion of broadband services in this state.

SECTION 2. Tennessee Code Annotated, Section 4-3-708(e), is amended by deleting the language "download speeds of ten megabits per second (10 Mbps) and minimum upload speeds of one megabit per second (1 Mbps)" and substituting instead the language "download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps)".

SECTION 3. Tennessee Code Annotated, Section 4-3-708(e)(1), is amended by deleting the subdivision and substituting instead:

(1) Serve locations without access to download speeds of at least one hundred megabits per second (100 Mbps) and upload speeds of at least twenty megabits per second (20 Mbps);

SECTION 4. Tennessee Code Annotated, Section 4-3-708(e)(2), is amended by deleting the language "or larger area".

SECTION 5. Tennessee Code Annotated, Section 4-3-708(e)(4), is amended by deleting the subdivision and substituting instead:

(4) Have not received funds or have not been designated to receive funds through other state or federally funded grant programs designed specifically to encourage broadband deployment to a location without the minimum speeds as described in this subsection (e); however, a project is not disqualified pursuant to this subdivision (e)(4) if the funds are to be used to alleviate costs of installing broadband facilities underground because the project has been denied reasonable access to aerial facilities or aerial facilities in the location lack the capacity to accommodate new broadband attachments at a reasonable cost; and

SECTION 6. Tennessee Code Annotated, Section 4-3-708(e), is amended by adding the following as new subdivisions:

() Will provide broadband service to the greatest number of locations at the highest speeds for the lowest grant amount per location;

() Have the ability to commit to providing at least twenty percent (20%) of the cost to deploy the broadband. When grants are requested to provide broadband service to the same location, the department shall establish a preference for approving grant applications with a greater capital contribution;

SECTION 7. Tennessee Code Annotated, Section 4-3-708, is amended by adding the following as new subsections:

(i) The department shall not award a grant under this section if:

(1) The location is being served by at least one (1) provider offering minimum download and upload speeds as described in subdivision (e)(1); or

(2) A federal or state grant has been allocated to a broadband services provider to provide broadband services to the location at the minimum download and upload speeds as described in subdivision (e)(1); however, a project is not disqualified pursuant to this subdivision (i)(2) if the funds are to be used to alleviate costs of installing broadband facilities underground because the project has been denied reasonable access to aerial facilities or aerial facilities in the location lack the capacity to accommodate new broadband attachments at a reasonable cost.

(j) The department shall maintain a list of eligible locations on its website that do not have broadband services at the minimum download and upload speeds described in subsection (e) and would qualify for grants pursuant to this section.

(k) The department must allow broadband services providers a reasonable opportunity to comment on a grant award by providing data denoting the availability of broadband prior to the award of any grant pursuant to this section.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it, and applies to grants awarded on or after the effective date of this act.