

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0495.01 Jennifer Berman x3286

HOUSE BILL 18-1099

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HOUSE SPONSORSHIP

Catlin and McLachlan,

SENATE SPONSORSHIP

Coram,

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House Committees  
Transportation & Energy

Senate Committees

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A BILL FOR AN ACT

101      **CONCERNING CRITERIA THAT THE BROADBAND DEPLOYMENT BOARD**  
102            **IS REQUIRED TO DEVELOP WITH REGARD TO AN INCUMBENT**  
103            **TELECOMMUNICATIONS PROVIDER'S EXERCISE OF A RIGHT TO**  
104            **IMPLEMENT A BROADBAND DEPLOYMENT PROJECT IN AN**  
105            **UNSERVED AREA OF THE STATE UPON A NONINCUMBENT**  
106            **PROVIDER'S APPLICATION TO THE BROADBAND DEPLOYMENT**  
107            **BOARD TO IMPLEMENT A PROPOSED BROADBAND DEPLOYMENT**  
108            **PROJECT IN THE UNSERVED AREA.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

<http://leg.colorado.gov>.)

The broadband deployment board in the department of regulatory agencies (board) implements and administers a grant program regarding the deployment of broadband service in unserved areas of the state. Upon a telecommunications provider's application for funding of a proposed project to provide access to a broadband network in an unserved area of the state, the board must allow an incumbent telecommunications provider in the unserved area the right of first refusal with regard to implementing a broadband deployment project for the unserved area.

The board is required to develop criteria regarding an incumbent telecommunications provider's exercise of its right to develop a broadband project in an unserved area upon another telecommunications provider having submitted to the board a proposed project for the unserved area. The bill requires that the board's criteria include requirements that an incumbent telecommunications provider exercising its right to implement a broadband deployment project for the unserved area agree to provide demonstrated downstream and upstream speeds equal to or faster than the speeds indicated in the applicant's proposed project and at a cost per household that is equal to or less than the cost per household indicated in the applicant's proposed project.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 40-15-509.5, **amend**  
3 (8)(g) as follows:

4 **40-15-509.5. Broadband service - report - broadband**  
5 **deployment board - broadband administrative fund - creation -**  
6 **repeal.** (8) The board shall direct the commission to transfer money, in  
7 a manner consistent with this section, from the account for broadband  
8 deployment established in the HCSM to approved grant applicants. The  
9 board shall develop criteria for awarding money for new projects  
10 expanding broadband networks into unserved areas, including:

11 (g) (I) With regard to an applicant that has submitted a proposed  
12 project to the board, affording each incumbent provider in the area that  
13 is not providing access to a broadband network in the unserved area a

1 right of first refusal regarding the implementation of a project in the  
2 unserved area.

3 (II) If an incumbent provider proposes a project for the area, the  
4 incumbent provider commits to providing access to a broadband network:

5 (A) Within one year after the applicant's submission of a proposed  
6 project;

7 (B) AT DEMONSTRATED DOWNSTREAM AND UPSTREAM SPEEDS  
8 EQUAL TO OR FASTER THAN THE SPEEDS INDICATED IN THE APPLICANT'S  
9 PROPOSED PROJECT; AND

10 (C) AT A COST PER HOUSEHOLD IN THE AREA TO BE SERVED THAT  
11 IS EQUAL TO OR LESS THAN THE COST PER HOUSEHOLD INDICATED IN THE  
12 APPLICANT'S PROPOSED PROJECT.

13 **SECTION 2. Act subject to petition - effective date -**  
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
15 the expiration of the ninety-day period after final adjournment of the  
16 general assembly (August 8, 2018, if adjournment sine die is on May 9,  
17 2018); except that, if a referendum petition is filed pursuant to section 1  
18 (3) of article V of the state constitution against this act or an item, section,  
19 or part of this act within such period, then the act, item, section, or part  
20 will not take effect unless approved by the people at the general election  
21 to be held in November 2018 and, in such case, will take effect on the  
22 date of the official declaration of the vote thereon by the governor.

23 (2) This act applies to applications submitted on or after the  
24 applicable effective date of this act.