



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 18-1099**

**FINAL  
FISCAL NOTE**

<b>Drafting Number:</b>	LLS 18-0495	<b>Date:</b>	September 6, 2018
<b>Prime Sponsors:</b>	Rep. Catlin; McLachlan Sen. Coram	<b>Bill Status:</b>	Signed into Law
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**Bill Topic:** BROADBAND DEPLOYMENT LEVEL PLAYING FIELD

<b>Summary of Fiscal Impact:</b>	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure ( <i>potential, minimal</i> )	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill requires the Broadband Deployment Board to consider new criteria related to speed and cost when telecommunication companies execute a first right of refusal for a competitor's broadband grant application. It may create a minimal, one-time workload impact.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** This fiscal note reflects the enacted bill.

**Summary of Legislation**

Under current law, the Broadband Deployment Board in the Department of Regulatory Agencies (DORA) must allow an incumbent telecommunications provider in an unserved area the right of first refusal when another provider applies for grant funding from the board to deploy broadband in the incumbent's area.

This bill requires the board to include in its criteria for first right of refusal that the incumbent prove that its speed and cost is equal to or less than the applicant's, specifically that the incumbent:

- demonstrate downstream and upstream speeds equal to or faster than those indicated in the applicant's proposed project, and
- provide the service at a cost per area household that is equal to or less than the applicant's.

**State Expenditures**

If the Broadband Deployment Board or the Public Utilities Commission in DORA perform rulemaking to codify the criteria outlined in the bill, these agencies will have a minimal, one-time workload increase.

**Effective Date**

The bill was signed into law by the Governor on April 2, 2018, and took effect on August 8, 2018. It applies to applications submitted on or after this date.

**State and Local Government Contacts**

Counties  
Information Technology  
Municipalities

Economic Development  
Law  
Regulatory Agencies

Governor  
Local Affairs