

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0412.01 Jennifer Berman x3286

**HOUSE BILL 21-1109**

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**HOUSE SPONSORSHIP**

**Titone and Soper,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Transportation & Local Government  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101       **CONCERNING THE BROADBAND DEPLOYMENT BOARD, AND, IN**  
102               **CONNECTION THEREWITH, MODIFYING THE COMPOSITION OF**  
103               **THE BOARD, REQUIRING THE BOARD TO DEVELOP A REQUEST**  
104               **FOR PROPOSAL PROCESS FOR DEPLOYING BROADBAND INTO**  
105               **CRITICALLY UNSERVED AREAS IN THE STATE, AND REQUIRING**  
106               **THE BOARD TO GIVE ADDITIONAL CONSIDERATION TO PROPOSED**  
107               **PROJECTS THAT WOULD INCLUDE DISCOUNTED SERVICE FOR**  
108               **LOW-INCOME HOUSEHOLDS.**

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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>.)

**Sections 1 and 3** of the bill exempt certain mapping data submitted to the office of information technology (office) from public disclosure under the "Colorado Open Records Act".

**Section 2** adds a definition of "critically unserved", which means a household or area that lies outside municipal boundaries and lacks access to at least one provider of nonsatellite broadband service delivered at measurable speeds of at least 10 megabits per second downstream and one megabit per second upstream, and a definition of "office of information technology".

Section 3 reduces the membership of the broadband deployment board (board) in the department of regulatory agencies from 16 members to 11 members.

The board is required to develop a request for proposal process through which the board will solicit bids for proposed projects to serve areas of the state that the office has determined lack access to broadband service at measurable speeds of at least 10 megabits per second downstream and one megabit per second upstream. The board is required to reserve at least 75% of the money from the high cost support mechanism that is allocated for broadband deployment to award grants to proposed projects solicited through the request for proposal process.

Section 3 also directs the board to:

- Require an applicant or appellant to submit a speed test performed on an incumbent provider's network and conducted in accordance with industry-standard speed-test protocols;
- Give additional consideration to proposed projects that would give discounted service for low-income households;
- Contractually require an applicant receiving a grant award to:
  - Report annually on the number of homes and businesses served by the grant-supported broadband network, the number of homes and businesses expected to be served in the following year, and the speeds, rates, and services offered to customers through the grant-supported broadband network; and
  - Provide third-party certification, after the grant money has been fully expended, that the project meets the original design of, and provides the measurable speeds, rates, and services set forth in, the application.
- Require an applicant or appellant to submit to the office, in a form and manner determined by the office, certain

granular mapping data.

**Section 4** repeals the current board composition requirements on August 31, 2021.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-202, **add**  
3 (6)(b)(XV) as follows:

4 **24-72-202. Definitions.** As used in this part 2, unless the context  
5 otherwise requires:

6 (6)(b) "Public records" does not include:

7 (XV) GRANULAR COVERAGE DATA, AS DEFINED IN AND SUBMITTED  
8 TO THE OFFICE OF INFORMATION TECHNOLOGY PURSUANT TO SECTION  
9 40-15-509.5 (8)(I).

10 **SECTION 2.** In Colorado Revised Statutes, 40-15-102, **add** (5.7)  
11 and (19.7) as follows:

12 **40-15-102. Definitions.** As used in this article 15, unless the  
13 context otherwise requires:

14 (5.7) "CRITICALLY UNSERVED", WHEN USED TO DESCRIBE A  
15 HOUSEHOLD OR AREA, MEANS A HOUSEHOLD OR AREA THAT:

16 (a) LIES OUTSIDE MUNICIPAL BOUNDARIES; AND

17 (b) LACKS ACCESS TO AT LEAST ONE NONSATELLITE PROVIDER OF  
18 BROADBAND SERVICE DELIVERED AT MEASURABLE SPEEDS OF AT LEAST  
19 TEN MEGABITS PER SECOND DOWNSTREAM AND ONE MEGABIT PER SECOND  
20 UPSTREAM.

21 (19.7) "OFFICE OF INFORMATION TECHNOLOGY" OR "OFFICE"  
22 MEANS THE OFFICE OF INFORMATION TECHNOLOGY CREATED IN SECTION  
23 24-37.5-103.

24 **SECTION 3.** In Colorado Revised Statutes, 40-15-509.5, **amend**

1 (5)(b), (8)(d)(II), (8)(e)(IV), (8)(e)(V), (8)(k)(III), and (10.5); **repeal**  
2 (10.6); and **add** (5)(c.5), (5)(f)(II)(C), (5)(f)(III), (5)(h), (8)(a)(V),  
3 (8)(a)(VI), (8)(e)(VI), (8)(k)(V), (8)(k)(VI), and (8)(l) as follows:

4 **40-15-509.5. Broadband service - report - broadband**  
5 **deployment board - broadband administrative fund - creation -**  
6 **definitions - repeal.** (5) (b) (I) (A) The board consists of sixteen  
7 members, fifteen of whom are voting members. The members of the  
8 board shall be selected on the basis of their knowledge of and interest in  
9 broadband service and shall serve for four-year terms. A member of the  
10 board shall not serve more than two consecutive full four-year terms.

11 (B) THIS SUBSECTION (5)(b)(I) IS REPEALED, EFFECTIVE  
12 SEPTEMBER 1, 2021.

13 (II) (A) COMMENCING ON SEPTEMBER 1, 2021, THE BOARD  
14 CONSISTS OF ELEVEN VOTING MEMBERS. THE MEMBERS OF THE BOARD  
15 SHALL BE SELECTED ON THE BASIS OF THEIR KNOWLEDGE OF AND INTEREST  
16 IN BROADBAND SERVICE AND SHALL SERVE FOR FOUR-YEAR TERMS. A  
17 MEMBER OF THE BOARD SHALL NOT SERVE MORE THAN TWO CONSECUTIVE  
18 FULL FOUR-YEAR TERMS; EXCEPT THAT THE LIMIT ON TERMS OF OFFICE  
19 DOES NOT APPLY TO THE BOARD MEMBER REPRESENTING THE OFFICE OF  
20 INFORMATION TECHNOLOGY.

21 (B) THE GOVERNOR MAY APPOINT A BOARD MEMBER SEATED ON  
22 THE BOARD ON AUGUST 31, 2021, TO CONTINUE SERVING THE BOARD ON  
23 AND AFTER SEPTEMBER 1, 2021, FOR THE REMAINDER OF THE BOARD  
24 MEMBER'S EXISTING TERMS AS OF AUGUST 31, 2021, IF THE BOARD MEMBER  
25 MEETS THE BOARD MEMBERSHIP CRITERIA SET FORTH IN SUBSECTION  
26 (5)(c.5) OF THIS SECTION AND THE BOARD MEMBER'S CONTINUED  
27 MEMBERSHIP ON THE BOARD DOES NOT ENLARGE THE MEMBERSHIP OF THE

1 BOARD AUTHORIZED UNDER SUBSECTION (5)(b)(II)(A) OF THIS SECTION.  
2 IF OTHERWISE ELIGIBLE FOR REAPPOINTMENT, THE BOARD MEMBER MAY  
3 BE APPOINTED FOR AN ADDITIONAL TERM AFTER SEPTEMBER 1, 2021. THIS  
4 SUBSECTION (5)(b)(II)(B) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025.

5 (c.5) COMMENCING ON SEPTEMBER 1, 2021, NO MORE THAN FIVE  
6 VOTING MEMBERS OF ANY ONE MAJOR POLITICAL PARTY MAY SERVE ON  
7 THE BOARD AT THE SAME TIME. MEMBERS OF THE BOARD ARE ENTITLED  
8 TO SEVENTY-FIVE DOLLARS PER DIEM FOR ATTENDANCE AT OFFICIAL  
9 MEETINGS PLUS ACTUAL AND NECESSARY EXPENSES INCURRED IN THE  
10 CONDUCT OF OFFICIAL BUSINESS. MEMBERS OF THE BOARD SHALL BE  
11 APPOINTED AS FOLLOWS:

12 (I) ONE VOTING MEMBER FROM THE OFFICE OF INFORMATION  
13 TECHNOLOGY APPOINTED BY THE GOVERNOR;

14 (II) THREE VOTING MEMBERS REPRESENTING LOCAL ENTITIES:

15 (A) ONE OF WHOM IS A COUNTY COMMISSIONER FROM THE  
16 EASTERN PLAINS OF THE STATE, APPOINTED BY THE PRESIDENT OF THE  
17 SENATE;

18 (B) ONE OF WHOM IS A COUNTY COMMISSIONER FROM THE  
19 WESTERN SLOPE OF THE STATE, APPOINTED BY THE SPEAKER OF THE HOUSE  
20 OF REPRESENTATIVES; AND

21 (C) ONE OF WHOM IS A MAYOR OR CITY COUNCILPERSON,  
22 APPOINTED BY THE GOVERNOR;

23 (III) FIVE VOTING MEMBERS REPRESENTING THE BROADBAND  
24 INDUSTRY:

25 (A) ONE OF WHOM REPRESENTS A WIRELESS PROVIDER, APPOINTED  
26 BY THE PRESIDENT OF THE SENATE;

27 (B) ONE OF WHOM REPRESENTS A WIRELINE PROVIDER, APPOINTED

1 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

2 (C) ONE OF WHOM REPRESENTS A BROADBAND SATELLITE  
3 PROVIDER, APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF  
4 REPRESENTATIVES;

5 (D) ONE OF WHOM REPRESENTS A CABLE PROVIDER, APPOINTED BY  
6 THE MINORITY LEADER OF THE SENATE; AND

7 (E) ONE OF WHOM REPRESENTS A RURAL PROVIDER, APPOINTED BY  
8 THE GOVERNOR; AND

9 (IV) TWO VOTING MEMBERS OF THE PUBLIC:

10 (A) ONE OF WHOM RESIDES IN AN UNSERVED AREA OF THE  
11 WESTERN SLOPE OF THE STATE, APPOINTED BY THE MINORITY LEADER OF  
12 THE SENATE; AND

13 (B) ONE OF WHOM RESIDES IN AN UNSERVED AREA OF THE  
14 EASTERN PLAINS OF THE STATE, APPOINTED BY THE MINORITY LEADER OF  
15 THE HOUSE OF REPRESENTATIVES.

16 (f) (II) (C) THIS SUBSECTION (5)(f)(II) IS REPEALED, EFFECTIVE  
17 SEPTEMBER 1, 2021.

18 (III) (A) COMMENCING ON SEPTEMBER 1, 2021, A BOARD MEMBER  
19 APPOINTED PURSUANT TO SUBSECTION (5)(c.5)(I), (5)(c.5)(II), OR  
20 (5)(c.5)(IV) OF THIS SECTION IS NOT DEEMED TO HAVE A CONFLICT OF  
21 INTEREST MERELY BY VIRTUE OF RESIDING IN OR REPRESENTING AN  
22 UNSERVED AREA, A CRITICALLY UNSERVED AREA, OR AN AREA THAT IS THE  
23 SUBJECT OF AN APPLICATION BEFORE THE BOARD.

24 (B) COMMENCING ON SEPTEMBER 1, 2021, A BOARD MEMBER  
25 APPOINTED PURSUANT TO SUBSECTION (5)(c.5)(III) OF THIS SECTION IS  
26 DEEMED TO HAVE A CONFLICT OF INTEREST WITH RESPECT TO AN  
27 APPLICATION FILED BY AN ENTITY THAT THE BOARD MEMBER REPRESENTS;

1       HOWEVER, IF SUCH APPLICATION IS FILED, THE BOARD MEMBER MAY STILL  
2       PARTICIPATE IN DISCUSSIONS ABOUT OTHER APPLICATIONS BEFORE THE  
3       BOARD BUT SHALL NOT VOTE ON THOSE OTHER APPLICATIONS.

4               (h) COMMENCING ON SEPTEMBER 1, 2021, FIVE MEMBERS OF THE  
5       BOARD CONSTITUTE A QUORUM OF THE BOARD.

6               (8) The board shall direct the commission to transfer money, in a  
7       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 to  
10      deploy broadband in unserved areas, including:

11              (a) (V) (A) THE BOARD SHALL DEVELOP A REQUEST FOR PROPOSAL  
12      PROCESS UNDER WHICH, EACH YEAR, THE BOARD RESERVES AT LEAST  
13      SEVENTY-FIVE PERCENT OF THE HCSM MONEY ALLOCATED FOR  
14      BROADBAND DEPLOYMENT TO AWARD GRANTS TO PROPOSED PROJECTS  
15      THAT SERVE CRITICALLY UNSERVED AREAS IDENTIFIED BY THE OFFICE OF  
16      INFORMATION TECHNOLOGY, INCLUDING ANY CRITICALLY UNSERVED  
17      AREAS WITHIN THE BOUNDARIES OF AN INDIAN RESERVATION LOCATED  
18      WITHIN THE STATE.

19              (B) ON OR BEFORE NOVEMBER 1, 2021, THE OFFICE OF  
20      INFORMATION TECHNOLOGY SHALL DEVELOP AND SUBMIT TO THE BOARD  
21      ONE OR MORE MAPS IDENTIFYING THE CRITICALLY UNSERVED AREAS  
22      DESCRIBED IN SUBSECTION (8)(a)(V)(A) OF THIS SECTION. BASED ON THE  
23      MAPS SUBMITTED, THE BOARD SHALL CHOOSE CRITICALLY UNSERVED  
24      AREAS FOR WHICH THE BOARD SHALL SOLICIT PROPOSED PROJECT BIDS TO  
25      SERVE THOSE AREAS. IN CHOOSING THE CRITICALLY UNSERVED AREAS FOR  
26      WHICH THE BOARD WILL SOLICIT PROPOSED PROJECT BIDS, THE BOARD  
27      SHALL STRIVE TO ENSURE GEOGRAPHIC DIVERSITY AMONG THE AREAS

1 CHOSEN.

2 (C) THE BOARD, IN IMPLEMENTING THE REQUEST FOR PROPOSAL  
3 PROCESS PURSUANT TO THIS SUBSECTION (8)(a)(V), NEED NOT COMPLY  
4 WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

5 (D) THIS SUBSECTION (8)(a)(V) IS REPEALED, EFFECTIVE JANUARY  
6 1, 2025.

7 (VI) THE BOARD SHALL REQUIRE AN APPLICANT OR AN APPELLANT  
8 FILING AN APPEAL PURSUANT TO SUBSECTION (8)(j)(III) OF THIS SECTION  
9 TO SUBMIT, AS PART OF THE APPLICATION OR APPEAL, A SPEED TEST  
10 PERFORMED ON AN INCUMBENT PROVIDER'S NETWORK AND CONDUCTED IN  
11 ACCORDANCE WITH INDUSTRY-STANDARD SPEED-TEST PROTOCOLS AS  
12 IDENTIFIED BY THE FCC.

13 (d) Ensuring that a proposed project includes:

14 (II) Independent funding secured for at least twenty-five percent  
15 of the total cost of the proposed project; EXCEPT THAT THE BOARD MAY  
16 AUTHORIZE A PROPOSED PROJECT AWARDED GRANT MONEY PURSUANT TO  
17 SUBSECTION (8)(a)(V) OF THIS SECTION TO SECURE A LESSER AMOUNT OF  
18 INDEPENDENT FUNDING IF THE PROPOSED PROJECT MEETS THE CRITERIA  
19 SET FORTH IN THIS SUBSECTION (8) AND THE AMOUNT OF INDEPENDENT  
20 FUNDING SECURED IS THE HIGHEST AMOUNT OF INDEPENDENT FUNDING  
21 PROPOSED AMONG MULTIPLE PROPOSALS TO SERVE THE AREA TO BE  
22 SERVED BY THE PROPOSED PROJECT; and

23 (e) Providing additional consideration for proposed projects that  
24 include at least some of the following factors:

25 (IV) Proposed projects for which the applicant has an established  
26 record of operation in the area of the grant application; ~~and~~

27 (V) Proposed projects providing last-mile broadband service,



1 which is defined as the portion of broadband service that delivers an  
2 internet connection to an end user that lacks access to broadband service  
3 at measurable speeds greater than fifty-six kilobits per second; AND

4 (VI) PROPOSED PROJECTS THAT PROVIDE DISCOUNTED BROADBAND  
5 SERVICE TO LOW-INCOME HOUSEHOLDS.

6 (k) Establishing reporting and accountability requirements for a  
7 project receiving financial support from the fund, including contractual  
8 requirements that:

9 (III) The applicant demonstrate an ability to complete the  
10 proposed project within a reasonable time, not to exceed two years, unless  
11 delayed by a government entity; and

12 (V) THE APPLICANT, ON AN ANNUAL BASIS UNTIL THE GRANT  
13 MONEY HAS BEEN FULLY EXPENDED, REPORT TO THE BOARD ON THE  
14 FOLLOWING:

15 (A) THE NUMBER OF HOMES AND BUSINESSES THAT THE  
16 APPLICANT'S GRANT-SUPPORTED BROADBAND NETWORK SERVES;

17 (B) THE NUMBER OF ADDITIONAL HOMES AND BUSINESSES THAT  
18 THE APPLICANT EXPECTS TO SERVE THROUGH THE GRANT-SUPPORTED  
19 BROADBAND NETWORK WITHIN THE FOLLOWING YEAR; AND

20 (C) THE SPEED TIERS, ADVERTISED RATES, AND SERVICES THAT  
21 THE APPLICANT OFFERS TO CUSTOMERS THROUGH THE GRANT-SUPPORTED  
22 BROADBAND NETWORK, INCLUDING SPEED TIERS, RATES, AND OTHER  
23 SERVICES THAT THE APPLICANT OFFERS TO LOW-INCOME HOUSEHOLDS;  
24 AND

25 (VI) THE APPLICANT, AFTER THE GRANT MONEY HAS BEEN FULLY  
26 EXPENDED, PROVIDE THIRD-PARTY CERTIFICATION, BASED ON  
27 FCC-APPROVED PERFORMANCE-TESTING PROTOCOLS, THAT THE PROJECT

1 MEETS THE ORIGINAL DESIGN OF, AND PROVIDES THE MEASURABLE SPEEDS,  
2 RATES, AND SERVICES SET FORTH IN, THE APPLICATION.

3 (I) (I) COMMENCING IN THE GRANT FUNDING CYCLE THAT BEGINS  
4 IMMEDIATELY AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (8)(I),  
5 REQUIRING AN APPLICANT, OR AN APPELLANT FILING AN APPEAL PURSUANT  
6 TO SUBSECTION (8)(j)(III) OF THIS SECTION, TO SUBMIT, IN THE FORM AND  
7 MANNER DETERMINED BY THE OFFICE OF INFORMATION TECHNOLOGY OR,  
8 IF THE FCC ADOPTS REGULATIONS REQUIRING THE SUBMISSION OF  
9 GRANULAR COVERAGE DATA, IN THE FORM AND MANNER REQUIRED BY THE  
10 FCC, GRANULAR COVERAGE DATA TO THE OFFICE OF INFORMATION  
11 TECHNOLOGY. UPON REQUEST OF THE BOARD, THE OFFICE SHALL INFORM  
12 THE BOARD IF AN APPLICANT HAS SUBMITTED THE GRANULAR COVERAGE  
13 DATA IN ACCORDANCE WITH THIS SUBSECTION (8)(I).

14 (II) GRANULAR COVERAGE DATA SUBMITTED PURSUANT TO THIS  
15 SUBSECTION (8)(I) IS NOT A PUBLIC RECORD AS DEFINED IN, AND IS NOT  
16 SUBJECT TO PUBLIC DISCLOSURE UNDER, THE "COLORADO OPEN RECORDS  
17 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

18 (III) AS USED IN THIS SUBSECTION (8)(I), "GRANULAR COVERAGE  
19 DATA" MEANS MAPPING DATA PRESENTED IN THE FORM OF A COVERAGE  
20 POLYGON THAT REFLECTS:

21 (A) THE MAXIMUM DOWNLOAD AND UPLOAD SPEEDS AVAILABLE  
22 IN EACH AREA;

23 (B) THE TECHNOLOGY USED TO PROVIDE THE SERVICE; AND

24 (C) A DIFFERENTIATION AMONG RESIDENTIAL-ONLY,  
25 BUSINESS-ONLY, AND RESIDENTIAL-AND-BUSINESS BROADBAND SERVICES.

26 (10.5) ~~(a)~~ The board may apply for federal funding of broadband  
27 deployment projects and programs. The HCSM third-party contractor

1 shall maintain any federal money awarded for broadband deployment in  
2 a separate account of the HCSM that is dedicated to allocating federal  
3 broadband deployment money. The commission is authorized to disburse  
4 any money from the account as directed by the board.

5 ~~(b) (I) Following the model of New York's petition for expedited~~  
6 ~~waiver, the board shall immediately petition the FCC for a waiver from~~  
7 ~~the auction rules that prohibit a state entity from applying for connect~~  
8 ~~America fund phase II auction money to allow the board itself to allocate~~  
9 ~~auction money for broadband deployment projects approved by the board.~~

10 ~~(II) After submitting the petition to the FCC, the board may:~~

11 ~~(A) File any additional documentation that the FCC requires of the~~  
12 ~~board in considering the board's petition; and~~

13 ~~(B) Coordinate with the FCC to develop any conditions that the~~  
14 ~~FCC might require to grant the petition.~~

15 ~~(III) If the FCC grants the board's petition and awards the board~~  
16 ~~auction money:~~

17 ~~(A) The HCSM third-party contractor shall maintain any federal~~  
18 ~~money awarded from the auction in the separate account of the HCSM~~  
19 ~~described in subsection (10.5)(a) of this section; and~~

20 ~~(B) The commission is authorized to disburse the federal money~~  
21 ~~in that account for broadband deployment grants as directed by the board.~~

22 ~~(IV) The board may coordinate with the FCC to comply with any~~  
23 ~~conditions established by the FCC in granting the petition. If any such~~  
24 ~~FCC conditions impose project eligibility, application process, award~~  
25 ~~criteria, or other requirements that are distinct from the requirements set~~  
26 ~~forth in this section or established by the board pursuant to this section,~~  
27 ~~the commission may, by rule and in consultation with the board, establish~~

1 requirements that comply with the FCC's conditions, except that any  
2 requirements established by the commission by rule pursuant to this  
3 subsection (10.5)(b) must apply only to broadband deployment projects  
4 that are eligible to receive auction money.

5 (c) ~~As used in this subsection (10.5):~~

6 (I) ~~"Auction rules" refers to the FCC's rules in 47 CFR 54.309 to~~  
7 ~~54.316, which rules concern the implementation of the connect America~~  
8 ~~fund phase II auction.~~

9 (II) ~~"Connect America fund phase II auction" or "auction" refers~~  
10 ~~to a ten-year auction of federal money through which the FCC will~~  
11 ~~allocate money, by means of a competitive bidding process, to~~  
12 ~~telecommunications providers who commit to providing voice and~~  
13 ~~broadband service in high-cost areas of the nation in accordance with the~~  
14 ~~FCC's auction rules.~~

15 (III) ~~"New York's petition for expedited waiver" refers to a~~  
16 ~~petition that the state of New York filed with the FCC seeking a waiver~~  
17 ~~from the FCC's auction rules with regard to the rules' limitation~~  
18 ~~prohibiting state entities from applying for federal money through the~~  
19 ~~auction. The FCC granted the waiver request on January 26, 2017, thus~~  
20 ~~authorizing the state of New York to directly receive and allocate auction~~  
21 ~~money to broadband projects within the state.~~

22 (10.6) (a) (I) ~~Following the model of New York's petition for~~  
23 ~~expedited waiver, the board, on or before January 1, 2019, shall petition~~  
24 ~~the FCC for a waiver from the FCC's rules concerning the remote areas~~  
25 ~~fund to seek FCC authorization for the board to itself allocate remote~~  
26 ~~areas fund money for broadband deployment projects in Colorado.~~

27 (II) ~~After submitting the petition to the FCC, the board may:~~

1           (A) File any additional documentation that the FCC requires of the  
2 board in considering the board's petition; and

3           (B) ~~Coordinate with the FCC to develop any conditions that the~~  
4 ~~FCC might require to grant the petition.~~

5           (b) ~~If the FCC denies the board's petition, the board shall not file~~  
6 ~~a new petition or otherwise subsequently apply for money from the~~  
7 ~~remote areas fund.~~

8           (c) ~~If the FCC grants the board's petition:~~

9           (f) ~~The HCSM third-party contractor shall maintain any federal~~  
10 ~~money awarded through the remote areas fund in a separate account of~~  
11 ~~the HCSM that is dedicated to allocating the federal money in compliance~~  
12 ~~with any conditions established by the FCC in granting the petition;~~

13           (H) ~~The commission is authorized to disburse the federal money~~  
14 ~~in that account for broadband deployment grants as authorized by the~~  
15 ~~board and in compliance with any conditions established by the FCC in~~  
16 ~~granting the petition; and~~

17           (HH) ~~The board is authorized to coordinate with the FCC to~~  
18 ~~comply with any conditions established by the FCC in granting the~~  
19 ~~petition. If any such FCC conditions impose project eligibility,~~  
20 ~~application process, award criteria, or other requirements that are distinct~~  
21 ~~from the requirements set forth in this section or established by the board~~  
22 ~~pursuant to this section, the commission may, by rule and in consultation~~  
23 ~~with the board, establish requirements that comply with the FCC's~~  
24 ~~conditions; except that any requirements established by the commission~~  
25 ~~by rule pursuant to this subsection (10.6) must apply only to broadband~~  
26 ~~deployment projects that are eligible to receive the federal remote areas~~  
27 ~~fund money.~~

1           ~~(d) As used in this subsection (10.6):~~

2           ~~(I) "Auction rules" refers to the FCC's rules in 47 CFR 54.309 to~~  
3           ~~54.316, which rules concern the implementation of the connect America~~  
4           ~~fund phase II auction.~~

5           ~~(II) "Connect America fund" refers to the federal universal service~~  
6           ~~high-cost program that allows eligible telecommunications providers to~~  
7           ~~recover some of their costs from the federal government for providing~~  
8           ~~voice and broadband service in high-cost areas.~~

9           ~~(III) "Connect America phase II auction" refers to a ten-year~~  
10           ~~auction of federal money through which the FCC will allocate money~~  
11           ~~through a competitive bidding process to telecommunications providers~~  
12           ~~who commit to providing voice and broadband service in high-cost areas~~  
13           ~~of the nation in accordance with the FCC's auction rules.~~

14           ~~(IV) "New York's petition for expedited waiver" refers to a~~  
15           ~~petition that the state of New York filed with the FCC seeking a waiver~~  
16           ~~from the FCC's auction rules, which waiver the FCC granted on January~~  
17           ~~26, 2017.~~

18           ~~(V) "Remote areas fund" refers to a fund created by the FCC as~~  
19           ~~part of its connect America fund to facilitate broadband deployment in~~  
20           ~~extremely high-cost areas of the nation.~~

21           **SECTION 4.** In Colorado Revised Statutes, 40-15-509.5, **repeal**  
22           (5)(c) as follows:

23           **40-15-509.5. Broadband service - report - broadband**  
24           **deployment board - broadband administrative fund - creation -**  
25           **definitions - rules - repeal.** (5) (c) ~~No more than eight voting members~~  
26           ~~of any one major political party may serve on the board at the same time.~~  
27           ~~Members of the board are entitled to seventy-five dollars per diem for~~

1 attendance at official meetings plus actual and necessary expenses  
2 incurred in the conduct of official business. Members of the board shall  
3 be appointed as follows:

4 (I) At least one member from the commission; one member from  
5 the Colorado office of economic development and international trade in  
6 the office of the governor; one member from the department of local  
7 affairs, created in section 24-1-125, C.R.S.; and one member from the  
8 office of information technology, created in section 24-37.5-103, C.R.S.,  
9 as appointed by the governor. The governor shall select three of these  
10 four appointees to serve as voting members of the board.

11 (II) Three voting members representing local entities:

12 (A) One of whom is a county commissioner, as appointed by the  
13 president of the senate in consultation with Colorado Counties, Inc.;

14 (B) One of whom is a mayor or city councilperson, as appointed  
15 by the speaker of the house of representatives in consultation with the  
16 Colorado municipal league; and

17 (C) One of whom is any other representative of a local entity and  
18 who has a background in broadband service and expertise in rural  
19 economic development, education, or telemedicine, as appointed by the  
20 minority leader of the senate;

21 (III) Seven voting members representing the broadband industry:

22 (A) One of whom represents a wireless provider, as appointed by  
23 the minority leader of the house of representatives;

24 (B) One of whom represents a wireline provider, as appointed by  
25 the minority leader of the senate;

26 (C) One of whom represents a broadband satellite provider, as  
27 appointed by the governor;

1           ~~(D) One of whom represents a cable provider, as appointed by the~~  
2 ~~president of the senate;~~

3           ~~(E) One of whom represents a rural local exchange carrier, as~~  
4 ~~appointed by the governor;~~

5           ~~(F) One of whom represents a competitive local exchange carrier,~~  
6 ~~as appointed by the speaker of the house of representatives; and~~

7           ~~(G) One of whom represents a cable provider serving rural areas,~~  
8 ~~as appointed by the president of the senate; and~~

9           ~~(IV) Two voting members of the public:~~

10           ~~(A) One of whom resides in an unserved area of the western slope~~  
11 ~~of the state, as appointed by the speaker of the house of representatives;~~  
12 ~~and~~

13           ~~(B) One of whom resides in an unserved area of the eastern slope~~  
14 ~~of the state, as appointed by the minority leader of the house of~~  
15 ~~representatives.~~

16           ~~(C) (Deleted by amendment, L. 2018.)~~

17           **SECTION 5. Effective date - applicability.** This act takes effect  
18 upon passage and applies to applications filed on or after the effective  
19 date of this act; except that section 4 of this act takes effect August 31,  
20 2021.

21           **SECTION 6. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety.