



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

**Fiscal Note
 Memorandum**

Room 029 State Capitol, Denver, CO 80203-1784
 Phone: (303) 866-3521 • Fax: (303) 866-3855
 lcs.ga@state.co.us • leg.colorado.gov/lcs

April 11, 2018

TO: Representatives Chris Hansen and Leslie Herod
 Members of the House State, Veterans, and Military Affairs Committee

FROM: Erin Reynolds, Senior Fiscal Analyst
 Erin.Reynolds@state.co.us | 303-866-4146

SUBJECT: Fiscal Assessment of Proposed Amendment HB1312_L.001.

This memorandum is an assessment of the fiscal impact of the attached proposed Amendment L.001 to House Bill 18-1312. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

Summary of Proposed Amendment

In the introduced version of HB 18-1312, the Public Utilities Commission (PUC) is authorized to determine whether an internet service provider has engaged in an anti-net neutrality practice through a proceeding. Amendment L.001 clarifies that the PUC will utilize a federal agency order or decree, or a decision from a court of competent jurisdiction, to make a determination related to whether an internet service provider has engaged in an anti-net neutrality practice. Under Amendment L.001, the Broadband Deployment Board is also responsible to periodically review the websites of the Federal Trade Commission and the Federal Communications Commission to determine whether either agency has issued an order or decree regarding any applicant seeking or who has been awarded a broadband deployment grant from the Colorado High Cost Support Mechanism (HCSM).

Fiscal Impact of Amendment

Amendment L.001 eliminates the need for a contractor with expertise in internet protocol network engineering to provide technical analysis support to the PUC during complaint proceedings, at a cost of \$49,000 per year paid from the HCSM Administration Fund. As a result, the bill does not require an appropriation of \$49,000.

Bill's Revised Fiscal Impact with Amendment

As amended by L.001, House Bill 18-1312 will increase workloads in the Departments of Law, Personnel and Administration, and Regulatory Agencies. The bill does not require an appropriation.

HB1312_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

HB18-1312 be amended as follows:

1 Amend printed bill, page 3, strike lines 21 through 23 and substitute:

2 "(2) (a) IF THE COMMISSION LEARNS, THROUGH ITS OWN
3 INVESTIGATION OR THROUGH INFORMATION RECEIVED FROM THE
4 BROADBAND DEPLOYMENT BOARD OR FROM A COLORADO CONSUMER,
5 THAT A FEDERAL AGENCY HAS ISSUED A FINAL ORDER OR ENTERED INTO
6 A SETTLEMENT OR CONSENT DECREE REGARDING, OR A COURT OF
7 COMPETENT JURISDICTION HAS ISSUED A FINAL DECISION AGAINST, AN
8 INTERNET SERVICE PROVIDER AND THE COMMISSION DETERMINES FROM
9 THE ORDER, DECREE, OR DECISION THAT THE INTERNET SERVICE PROVIDER
10 HAS ENGAGED IN CONDUCT THAT CONSTITUTES ENGAGING IN ONE OF THE
11 PRACTICES LISTED IN SUBSECTIONS (1)(a) TO (1)(d) OF THIS SECTION, THE
12 COMMISSION SHALL".

13 Page 6, after line 14 insert:

14 "SECTION 2. In Colorado Revised Statutes, 40-15-509.5, add
15 (8.3) as follows:

16 **40-15-509.5. Broadband service - report - broadband**
17 **deployment board - broadband administrative fund - creation -**
18 **repeal.** (8.3) THE BOARD SHALL PERIODICALLY REVIEW THE WEBSITES OF
19 THE FEDERAL TRADE COMMISSION AND THE FEDERAL COMMUNICATIONS
20 COMMISSION TO DETERMINE IF EITHER OF THE FEDERAL AGENCIES HAS
21 ISSUED A FINAL ORDER OR ENTERED INTO A SETTLEMENT OR CONSENT
22 DECREE REGARDING ANY APPLICANT SEEKING BROADBAND DEPLOYMENT
23 GRANT MONEY FROM THE BOARD OR A PROVIDER TO WHICH THE BOARD
24 HAS AWARDED BROADBAND DEPLOYMENT GRANT MONEY. THE BOARD
25 SHALL REVIEW ANY SUCH ORDER OR DECREE TO DETERMINE IF THE
26 PROVIDER THAT IS THE SUBJECT OF THE ORDER OR DECREE HAS ENGAGED
27 IN CONDUCT THAT CONSTITUTES ENGAGING IN ONE OF THE PRACTICES
28 LISTED IN SECTION 40-15-209 (1)(a) TO (1)(d). THE BOARD SHALL DENY
29 THE APPLICATION OF ANY APPLICANT SUBJECT TO SUCH A FEDERAL ORDER
30 OR DECREE AND SHALL INFORM THE COMMISSION PURSUANT TO SECTION
31 40-15-209 (2)(a) ABOUT ANY PROVIDER AWARDED BROADBAND
32 DEPLOYMENT GRANT MONEY THAT IS SUBJECT TO SUCH AN ORDER OR
33 DECREE."

34 Renumber succeeding sections accordingly.

** ** * * * **