

E2SSB 5935 - H COMM AMD

By Committee on Technology & Economic Development

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) The federal communications commission has adopted a national
5 broadband plan that includes recommendations directed to federal,
6 state, and local governments, including recommendations to:

7 (a) Design policies to ensure robust competition and maximizing
8 consumer welfare, innovation, and investment;

9 (b) Ensure efficient allocation and management of assets that
10 government controls or influences, such as poles and rights-of-way,
11 to encourage network upgrades and competitive entry;

12 (c) Reform current universal service mechanisms to support
13 deployment in high-cost areas; ensuring that low-income Americans can
14 afford broadband; and supporting efforts to boost adoption and
15 utilization; and

16 (d) Reform laws, policies, standards, and incentives to maximize
17 the benefits of broadband in sectors that government influences
18 significantly, such as public education, health care, and government
19 operations;

20 (2) The federal communications commission has also adopted a goal
21 that all of the country's households have affordable access to actual
22 download speeds of at least twenty-five megabits per second and
23 actual upload speeds of at least three megabits per second; that a
24 majority of households have access to speeds of one hundred fifty
25 megabits, respectively; and that every community should have
26 affordable access to at least one gigabit per second broadband
27 service to anchor institutions such as schools, hospitals, and
28 government buildings;

29 (3) These national goals are presently appropriate for Washington
30 state, and recognizes that as technology advances the goals will
31 require changes over time;

1 (4) Extensive investments have been made by the
2 telecommunications industry and the public sector, as well as
3 policies and programs adopted to provide affordable broadband
4 services throughout the state, that will provide a foundation to
5 build a comprehensive statewide framework for additional actions
6 needed to advance state's broadband goals.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.105
8 RCW to read as follows:

9 The definitions in this section apply throughout sections 3, 4,
10 and 6 of this act unless the context clearly requires otherwise.

11 (1) "Broadband" means networks of deployed telecommunications
12 equipment and technologies necessary to provide high-speed internet
13 access and other advanced telecommunications services.

14 (2) "Local governments" includes cities, towns, counties,
15 municipal corporations, public port districts, quasi-municipal
16 corporations, and special purpose districts.

17 (3) "Office" means the governor's office on broadband access.

18 (4) "Underserved areas" means areas lacking actual download
19 speeds of at least twenty-five megabits per second and actual upload
20 speeds of at least three megabits per second.

21 (5) "Unserved areas" means areas without access to broadband.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.105
23 RCW to read as follows:

24 (1) The governor's office on broadband access is created within
25 the consolidated technology services agency. The mission of the
26 office is to improve economic vitality, health care access, and
27 education through greater access to broadband services.

28 (2) The office, in collaboration with the utilities and
29 transportation commission, the department of commerce, the state
30 librarian, and the community economic revitalization board, shall
31 serve as the coordinating body for public and private efforts to
32 ensure statewide broadband access and deployment. The office is
33 responsible for all matters regarding the adoption of statewide
34 broadband access and deployment.

35 (3) The duties of the office include:

36 (a) Coordinating with local governments, communities, public and
37 private entities, and consumer-owned and investor-owned utilities to

1 develop strategies and plans for deployment of broadband
2 infrastructure and access to broadband services;

3 (b) Reviewing existing broadband initiatives, policies, and
4 public and private investments;

5 (c) Taking comprehensive actions to advance the state's broadband
6 access goals;

7 (d) Updating the state's goals and standards for broadband
8 service as technological advances become available;

9 (e) Identifying, on an annual basis, unserved and underserved
10 areas of the state;

11 (f) Implementing actions necessary to develop and maintain a
12 detailed inventory of the deployment of broadband services, including
13 monitoring and tracking the availability of broadband services and
14 internet speeds across the state, with an emphasis upon identifying
15 and assessing progress made towards achieving the goals for internet
16 speeds in unserved and underserved areas;

17 (g) Developing standards for defining levels of service for
18 broadband access, including unserved and underserved areas, and
19 revising these standards as technological advances are made and
20 services are expanded;

21 (h) Fostering public sector and telecommunications industry
22 actions to bring sustainable broadband access to areas that are
23 unserved or underserved;

24 (i) Prioritizing and sequencing delivery of quality broadband
25 service to unserved and underserved areas of the state; and

26 (j) Coordinating public, private, state, and federal funds or
27 other funds, for deployment of broadband services in underserved and
28 unserved areas of the state.

29 (4) When developing plans or strategies for broadband deployment,
30 the office must consider:

31 (a) Partnerships between communities, tribes, nonprofit
32 organizations, consumer-owned and investor-owned utilities, and
33 public and private entities;

34 (b) Funding opportunities that provide for the coordination of
35 public, private, state, and federal funds for the purposes of making
36 broadband-capable infrastructure or broadband services available to
37 underserved or unserved areas of the state;

38 (c) Barriers to the adoption of broadband service;

39 (d) Unserved or underserved populations in the state; and

1 (e) Requiring minimum broadband access service of twenty-five
2 mbps download speed and three mbps upload speed and faster speeds as
3 technology advances.

4 (5) The office must submit a report to the governor and the
5 economic development committees of the senate and the house of
6 representatives by December 1, 2019, detailing:

7 (a) A broadband strategy to bring broadband service at minimum
8 download speeds of twenty-five megabits and upload speeds of three
9 megabits to all of Washington by 2025 that includes:

10 (i) Recommendations for policy changes to advance the strategy;
11 and

12 (ii) A framework for how future funding could be spent to advance
13 the strategy;

14 (b) Progress on the broadband strategy;

15 (c) Ongoing and future funding options for the broadband strategy
16 that would achieve the service goals at the lowest cost to the state,
17 including:

18 (i) A reverse auction approach that awards funding to the lowest
19 private, public, or tribal broadband provider bidder, or to a
20 partnership consisting of two or more of those entities;

21 (ii) Expansion of broadband infrastructure loans or grants by the
22 community economic revitalization board; and

23 (iii) Other funding models that would incorporate merit-based
24 qualifications and consider project viability;

25 (d) A study of the taxes imposed on the capital costs associated
26 with providing retail broadband service, including taxes paid under
27 chapters 82.08 and 82.12 RCW, including an examination of the impact
28 to broadband deployment if a credit is provided against taxes paid
29 under chapters 82.08 and 82.12 RCW on the capital costs associated
30 with providing retail broadband service telecommunications network
31 transmission equipment located in an underserved area in the state;
32 and

33 (e) Other information as the office deems necessary.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.105
35 RCW to read as follows:

36 (1) The office may take all appropriate steps to seek federal
37 funding in order to maximize investment in broadband deployment and
38 adoption in the state.

1 (2) The office may apply for federal funds and other grants or
2 donations and must deposit the funds in the broadband access account
3 created in section 8 of this act.

4 NEW SECTION. **Sec. 5.** FOR THE BROADBAND ACCESS ACCOUNT. (1)
5 During the 2017-2019 fiscal biennium, the treasurer must transfer the
6 sum of \$75,000,000, from the budget stabilization account to the
7 broadband access account created in section 8 of this act.

8 (2) For the 2017-2019 fiscal biennium, the sum of \$500,000 is
9 appropriated from the broadband access account created in section 8
10 of this act to the consolidated technology services agency. The
11 amount is provided solely for the purposes of development of a
12 broadband strategy and report described in sections 3 and 6 of this
13 act. For the purposes of RCW 43.88.055(4), the appropriation in this
14 section does not alter the requirement to balance in the ensuing
15 biennia.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.105
17 RCW to read as follows:

18 (1) The office may convene an advisory group to make
19 recommendations on developing a statewide rural broadband strategy to
20 ensure broadband access statewide by January 1, 2026. The advisory
21 committee must conduct a gap analysis on the deployment of broadband
22 services in underserved and unserved areas of the state. The analysis
23 must include a review of:

24 (a) Deployment of broadband services and deployment strategies by
25 public utility districts, port districts, public and private
26 partnerships, and private entities;

27 (b) Economic development opportunities that could be realized
28 with access to broadband services; and

29 (c) Broadband access availability in unserved and underserved
30 areas of the state.

31 (2) The members of the advisory committee must include experts
32 from the utilities and transportation commission, the state
33 librarian, and the department of commerce. The office may invite, as
34 necessary, subject matter experts to participate in the advisory
35 group.

36 NEW SECTION. **Sec. 7.** A new section is added to chapter 82.32
37 RCW to read as follows:

1 (1) Beginning January 1, 2019, the department must:

2 (a) Estimate the annual amount of taxes paid under chapter 82.04
3 RCW associated with federal funds received by telecommunications
4 service providers for making broadband-capable infrastructure
5 available to unserved or underserved areas of the state;

6 (b) Instruct the state treasurer to deposit the estimated amounts
7 in (a) of this subsection into the broadband access account created
8 in section 8 of this act.

9 (2) Beginning December 1, 2018, and by December 1st each
10 subsequent year, a person receiving federal funding for the purposes
11 of making broadband-capable infrastructure available to underserved
12 or unserved areas of the state must notify the department of the
13 amount of federal funding received for this purpose.

14 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.105
15 RCW to read as follows:

16 (1) The broadband access account is created in the state
17 treasury. All receipts from sections 4 and 7 of this act must be
18 deposited into the account. Moneys in the account may be spent only
19 after appropriation.

20 (2) Expenditures from the account may be used only for the
21 expansion of broadband access, including funding grants under section
22 5 of this act.

23 **Sec. 9.** RCW 80.36.135 and 2008 c 181 s 414 are each amended to
24 read as follows:

25 (1) The legislature declares that:

26 (a) Changes in technology and the structure of the
27 telecommunications industry may produce conditions under which
28 traditional rate of return, rate base regulation of
29 telecommunications companies may not in all cases provide the most
30 efficient and effective means of achieving the public policy goals of
31 this state as declared in RCW 80.36.300, this section, and RCW
32 80.36.145. The commission should be authorized to employ an
33 alternative form of regulation if that alternative is better suited
34 to achieving those policy goals.

35 (b) Because of the great diversity in the scope and type of
36 services provided by telecommunications companies, alternative
37 regulatory arrangements that meet the varying circumstances of
38 different companies and their ratepayers may be desirable.

1 (c) Increasing competition from private and public
2 telecommunications providers may require the modification of
3 obligations arising under RCW 80.36.090 in certain markets.

4 (2) Subject to the conditions set forth in this chapter and RCW
5 80.04.130, the commission may regulate telecommunications companies
6 subject to traditional rate of return, rate base regulation by
7 authorizing an alternative form of regulation. The commission may
8 determine the manner and extent of any alternative forms of
9 regulation as may in the public interest be appropriate. In addition
10 to the public policy goals declared in RCW 80.36.300, the commission
11 shall consider, in determining the appropriateness of any proposed
12 alternative form of regulation, whether it will:

13 (a) Facilitate the broad deployment of technological improvements
14 and advanced telecommunications services to underserved areas or
15 underserved customer classes;

16 (b) Improve the efficiency of the regulatory process;

17 (c) Preserve or enhance the development of effective competition
18 and protect against the exercise of market power during its
19 development;

20 (d) Preserve or enhance service quality and protect against the
21 degradation of the quality or availability of efficient
22 telecommunications services;

23 (e) Provide for rates and charges that are fair, just,
24 reasonable, sufficient, and not unduly discriminatory or
25 preferential; and

26 (f) Not unduly or unreasonably prejudice or disadvantage any
27 particular customer class.

28 (3) A telecommunications company or companies subject to
29 traditional rate of return, rate base regulation may petition the
30 commission to establish an alternative form of regulation. The
31 company or companies shall submit with the petition a plan for an
32 alternative form of regulation. The plan shall contain a proposal for
33 transition to the alternative form of regulation and the proposed
34 duration of the plan. The plan must also contain a proposal for
35 ensuring adequate carrier-to-carrier service quality, including
36 service quality standards or performance measures for
37 interconnection, and appropriate enforcement or remedial provisions
38 in the event the company fails to meet service quality standards or
39 performance measures. The commission also may initiate consideration
40 of alternative forms of regulation for a company or companies on its

1 own motion. The commission, after notice and hearing, shall issue an
2 order accepting, modifying, or rejecting the plan within nine months
3 after the petition or motion is filed, unless extended by the
4 commission for good cause. The commission shall order implementation
5 of the alternative plan of regulation unless it finds that, on
6 balance, an alternative plan as proposed or modified fails to meet
7 the considerations stated in subsection (2) of this section.

8 (4) Not later than sixty days from the entry of the commission's
9 order, the company or companies affected by the order may file with
10 the commission an election not to proceed with the alternative form
11 of regulation as authorized by the commission.

12 (5) The commission may waive such regulatory requirements under
13 Title 80 RCW for a telecommunications company subject to an
14 alternative form of regulation as may be appropriate to facilitate
15 the implementation of this section. However, the commission may not
16 waive any grant of legal rights to any person contained in this
17 chapter and chapter 80.04 RCW. The commission may waive different
18 regulatory requirements for different companies or services if such
19 different treatment is in the public interest.

20 (6) Upon petition by the company, and after notice and hearing,
21 the commission may rescind or modify an alternative form of
22 regulation in the manner requested by the company.

23 (7) The commission or any person may file a complaint under RCW
24 80.04.110 alleging that a telecommunications company under an
25 alternative form of regulation has not complied with the terms and
26 conditions set forth in the alternative form of regulation. The
27 complainant shall bear the burden of proving the allegations in the
28 complaint.

29 (8) During a state of emergency declared under RCW 43.06.010(12),
30 the governor may waive or suspend the operation or enforcement of
31 this section or any portion of this section or under any
32 administrative rule, and issue any orders to facilitate the operation
33 of state or local government or to promote and secure the safety and
34 protection of the civilian population.

35 **Sec. 10.** RCW 80.36.630 and 2013 2nd sp.s. c 8 s 202 are each
36 amended to read as follows:

37 (1) The definitions in this section apply throughout this section
38 and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context
39 clearly requires otherwise.

1 (a) "Basic residential service" means those services set out in
2 47 C.F.R. Sec. 54.101(a) (2011) and mandatory extended area service
3 approved by the commission.

4 (b) "Basic telecommunications services" means the following
5 services:

6 (i) Single-party service;

7 (ii) Voice grade access to the public switched network;

8 (iii) Support for local usage;

9 (iv) Dual tone multifrequency signaling (touch-tone);

10 (v) Access to emergency services (911);

11 (vi) Access to operator services;

12 (vii) Access to interexchange services;

13 (viii) Access to directory assistance; and

14 (ix) Toll limitation services.

15 (c) "Communications provider" means a provider of communications
16 services that assigns a working telephone number to a final consumer
17 for intrastate wireline or wireless communications services or
18 interconnected voice over internet protocol service, and includes
19 local exchange carriers.

20 (d) "Communications services" includes telecommunications
21 services and information services and any combination thereof.

22 (e) "Incumbent local exchange carrier" has the same meaning as
23 set forth in 47 U.S.C. Sec. 251(h).

24 (f) "Incumbent public network" means the network established by
25 incumbent local exchange carriers for the delivery of communications
26 services to customers that is used by communications providers for
27 origination or termination of communications services by or to
28 customers.

29 (g) "Interconnected voice over internet protocol service" means
30 an interconnected voice over internet protocol service that: ((a)
31 ~~[(i)]~~) (i) Enables real-time, two-way voice communications; ((b)
32 ~~[(ii)]~~) (ii) requires a broadband connection from the user's
33 location; ((c) ~~[(iii)]~~) (iii) requires internet protocol-compatible
34 customer premises equipment; and ((d) ~~[(iv)]~~) (iv) permits users
35 generally to receive calls that originate on the public network and
36 to terminate calls to the public network.

37 (h) "Program" means the state universal communications services
38 program created in RCW 80.36.650.

39 (i) "Telecommunications" has the same meaning as defined in 47
40 U.S.C. Sec. 153(43).

1 (j) "Telecommunications act of 1996" means the telecommunications
2 act of 1996 (P.L. 104-104, 110 Stat. 56).

3 (k) "Working telephone number" means a north American numbering
4 plan telephone number, or successor dialing protocol, that is
5 developed for use in placing calls to or from the public network,
6 that enables a consumer to make or receive calls.

7 (2) This section expires July 1, (~~2020~~) 2026.

8 **Sec. 11.** RCW 80.36.650 and 2016 c 145 s 1 are each amended to
9 read as follows:

10 (1) A state universal communications services program is
11 established. The program is established to protect public safety and
12 welfare under the authority of the state to regulate
13 telecommunications under Article XII, section 19 of the state
14 Constitution. The purpose of the program is to support continued
15 provision of basic telecommunications services under rates, terms,
16 and conditions established by the commission (~~during the time over~~
17 ~~which incumbent communications providers in the state are adapting to~~
18 ~~changes in federal universal service fund and intercarrier~~
19 ~~compensation support)) and the provision, enhancement, and
20 maintenance of broadband services, recognizing that the incumbent
21 public network functions to provide all communications services
22 including, but not limited to, voice and broadband services.~~

23 (2) Under the program, eligible communications providers may
24 receive distributions from the universal communications services
25 account created in RCW 80.36.690 in exchange for the affirmative
26 agreement to provide continued telecommunications services under the
27 rates, terms, and conditions established by the commission under this
28 chapter and broadband services for the period covered by the
29 distribution. The commission must implement and administer the
30 program under terms and conditions established in RCW 80.36.630
31 through 80.36.690. Expenditures for the program may not exceed five
32 million dollars per fiscal year; provided, however, that if less than
33 five million dollars is expended in any fiscal year, the unexpended
34 portion must be carried over to subsequent fiscal years and, unless
35 fully expended, must be available for program expenditures in such
36 subsequent fiscal years in addition to the five million dollars
37 allotted for each of those subsequent fiscal years.

38 (3) Before July 1, 2022, a communications provider is eligible to
39 receive distributions from the account if:

1 (a) The communications provider is: (i) An incumbent local
2 exchange carrier serving fewer than forty thousand access lines in
3 the state; or (ii) a radio communications service company providing
4 wireless two-way voice communications service and broadband services
5 to less than the equivalent of forty thousand access lines in the
6 state. For purposes of determining the access line threshold in this
7 subsection, the access lines or equivalents of all wireline
8 affiliates must be counted as a single threshold, if the lines or
9 equivalents are located in Washington;

10 (b) ~~The ((customers of the communications provider are at risk of~~
11 ~~rate instability or service interruptions or cessations absent a~~
12 ~~distribution to the provider that will allow the provider to maintain~~
13 ~~rates reasonably close to the benchmark)) communications provider has
14 adopted a plan to provide, enhance, or maintain broadband service in
15 its service area; and~~

16 (c) The communications provider meets any other requirements
17 established by the commission pertaining to the provision of
18 communications services, including basic telecommunications services.

19 (4) Beginning July 1, 2022, the commission must determine
20 eligibility for distributions from the account using a competitive,
21 market-based assessment of a communications provider's ability to
22 provide voice and broadband services to the greatest number of
23 consumers within a defined service area. The assessment must be
24 technology-neutral in considering the level of service provided.

25 (5)(a) Distributions to eligible communications providers are
26 based on ~~((a benchmark established by the commission. The benchmark~~
27 ~~is the rate the commission determines to be a reasonable amount~~
28 ~~customers should pay for basic residential service provided over the~~
29 ~~incumbent public network. However, if an incumbent local exchange~~
30 ~~carrier is charging rates above the benchmark for the basic~~
31 ~~residential service, that provider may not seek distributions from~~
32 ~~the fund for the purpose of reducing those rates to the benchmark))~~
33 criteria established by the commission.

34 (b) If the program does not have sufficient funds to fully fund
35 the distribution formula set out in (a) of this subsection,
36 distributions must be reduced on a pro rata basis using the amounts
37 calculated for that year's program support as the basis of the pro
38 rata calculations.

39 (c) To receive a distribution under the program, an eligible
40 communications provider must affirmatively consent to continue

1 providing communications services to its customers under rates,
2 terms, and conditions established by the commission pursuant to this
3 chapter for the period covered by the distribution.

4 ~~((+5))~~ (6) The program is funded from amounts deposited by the
5 legislature in the universal communications services account
6 established in RCW 80.36.690. The commission must operate the program
7 within amounts appropriated for this purpose and deposited in the
8 account.

9 ~~((+6))~~ (7) The commission must periodically review the accounts
10 and records of any communications provider that receives
11 distributions under the program to ensure compliance with the program
12 and monitor the providers' use of the funds.

13 ~~((7) The commission must establish an advisory board, consisting
14 of a reasonable balance of representatives from different types of
15 communications providers and consumers, to advise the commission on
16 any rules and policies governing the operation of the program.)~~

17 (8) The program terminates on June 30, ~~((2019))~~ 2025, and no
18 distributions may be made after that date.

19 (9) This section expires July 1, ~~((2020))~~ 2026.

20 **Sec. 12.** RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each
21 amended to read as follows:

22 (1) The universal communications services account is created in
23 the custody of the state treasurer. Revenues to the account consist
24 of moneys deposited in the account by the legislature and any
25 penalties or other recoveries received pursuant to RCW 80.36.670.
26 Expenditures from the account may be used only for the purposes of
27 the universal communications services program established in RCW
28 80.36.650 and commission expenses related to implementation and
29 administration of the provisions of RCW 80.36.620 through 80.36.690,
30 section 212, chapter 8, Laws of 2013 2nd sp. sess., and section 13,
31 chapter . . . , Laws of 2018 (section 13 of this act). Only the
32 secretary of the commission or the secretary's designee may authorize
33 expenditures from the account. The account is subject to allotment
34 procedures under chapter 43.88 RCW, but an appropriation is not
35 required for expenditures.

36 (2) This section expires July 1, ~~((2020))~~ 2026.

37 **Sec. 13.** 2013 2nd sp.s. c 8 s 212 (uncodified) is amended to
38 read as follows:

1 By December 1, ((2017)) 2021, and in compliance with RCW
2 43.01.036, the Washington utilities and transportation commission
3 must report to the appropriate committees of the legislature, on the
4 following: (1) Whether funding levels for each small
5 telecommunications company have been adequate to maintain reliable
6 universal service; (2) the future impacts on small telecommunications
7 companies from the elimination of funding under this act; (3) the
8 impacts on customer rates from the current level of funding and the
9 future impacts when the funding terminates under this act; and (4)
10 the impacts on line and service delivery investments when the funding
11 is terminated under this act. The report must also include an
12 analysis of the need for future program funding and recommendations
13 on potential funding mechanisms to improve availability of
14 communications services, including broadband service, in unserved and
15 underserved areas. Utilities and transportation commission expenses
16 related to conducting all analysis in preparation of this report must
17 be expended from the universal communications services account.

18 **Sec. 14.** RCW 80.36.660 and 2013 2nd sp.s. c 8 s 204 are each
19 amended to read as follows:

20 (1) To implement the program, the commission must adopt rules for
21 the following purposes:

22 (a) Operation of the program, including criteria for: Eligibility
23 for distributions; use of the funds; identification of any reports or
24 data that must be filed with the commission, including, but not
25 limited to, how a communication provider used the distributed funds;
26 and the communications provider's infrastructure;

27 (b) Operation of the universal communications services account
28 established in RCW 80.36.690; and

29 (c) Establishment of the ((benchmark)) formula used to calculate
30 distributions(~~(; and~~

31 ~~(d) Readoption, amendment, or repeal of any existing rules~~
32 ~~adopted pursuant to RCW 80.36.610 and 80.36.620 as necessary to be~~
33 ~~consistent with RCW 80.36.630 through 80.36.690 and 80.36.610)).~~

34 (2) This section expires July 1, ((2020)) 2026.

35 **Sec. 15.** RCW 80.36.670 and 2013 2nd sp.s. c 8 s 205 are each
36 amended to read as follows:

37 (1) In addition to any other penalties prescribed by law, the
38 commission may impose penalties for failure to make or delays in

1 making or filing any reports required by the commission for
2 administration of the program. In addition, the commission may
3 recover amounts determined to have been improperly distributed under
4 RCW 80.36.650. For the purposes of this section, the provisions of
5 RCW 80.04.380 through 80.04.405, inclusive, apply to all companies
6 that receive support from the universal communications services
7 account created in RCW 80.36.690.

8 (2) Any action taken under this section must be taken only after
9 providing the affected communications provider with notice and an
10 opportunity for a hearing, unless otherwise provided by law.

11 (3) Any amounts recovered under this section must be deposited in
12 the universal communications services account created in RCW
13 80.36.690.

14 (4) This section expires July 1, (~~2020~~) 2026.

15 **Sec. 16.** RCW 80.36.680 and 2013 2nd sp.s. c 8 s 206 are each
16 amended to read as follows:

17 (1) The commission may delegate to the commission secretary or
18 other staff the authority to resolve disputes and make other
19 administrative decisions necessary to the administration and
20 supervision of the program consistent with the relevant statutes and
21 commission rules.

22 (2) This section expires July 1, (~~2020~~) 2026.

23 **Sec. 17.** RCW 80.36.700 and 2013 2nd sp.s. c 8 s 211 are each
24 amended to read as follows:

25 (1) The universal communications services program established in
26 RCW 80.36.630 through 80.36.690 terminates (~~on~~) June 30, (~~2019~~)
27 2025.

28 (2) This section expires July 1, (~~2020~~) 2026.

29 NEW SECTION. **Sec. 18.** The following acts or parts of acts are
30 each repealed:

31 (1) RCW 43.330.400 (Broadband mapping account—Federal broadband
32 data improvement act funding—Coordination of broadband mapping
33 activities) and 2011 1st sp.s. c 43 s 603 & 2009 c 509 s 2;

34 (2) RCW 43.330.403 (Reporting availability of high-speed internet
35 —Survey of high-speed internet infrastructure owned or leased by

1 state agencies—Geographic information system map—Rules) and 2011 1st
2 sp.s. c 43 s 604 & 2009 c 509 s 3;

3 (3) RCW 43.330.406 (Procurement of geographic information system
4 map—Accountability and oversight structure—Application of public
5 records act) and 2011 1st sp.s. c 43 s 605 & 2009 c 509 s 4;

6 (4) RCW 43.330.409 (Broadband mapping, deployment, and adoption—
7 Reports) and 2011 1st sp.s. c 43 s 606 & 2009 c 509 s 5;

8 (5) RCW 43.330.412 (Community technology opportunity program—
9 Administration—Grant program) and 2011 1st sp.s. c 43 s 607, 2009 c
10 509 s 6, & 2008 c 262 s 6;

11 (6) RCW 43.330.415 (Washington community technology opportunity
12 account) and 2011 1st sp.s. c 43 s 608, 2009 c 509 s 8, & 2008 c 262
13 s 8;

14 (7) RCW 43.330.418 (Broadband deployment and adoption—Governor's
15 actions—Oversight and implementation by the department) and 2011 1st
16 sp.s. c 43 s 609 & 2009 c 509 s 9; and

17 (8) RCW 43.330.421 (Advisory group on digital inclusion and
18 technology planning) and 2011 1st sp.s. c 43 s 610 & 2009 c 509 s
19 10."

20 Correct the title.

EFFECT: The amendment does the following:

(1) Moves the Broadband Office (Office) from the Department of Commerce to Consolidated Technology Services (CTS). Defines "unserved areas" as lacking actual upload/download speeds of 25/3 megabits per second. Removes the requirement that the Office establish a competitive grant program. Adds the State Librarian to: (a) The entities the Office must coordinate with to ensure statewide broadband access and deployment; and (b) the members of the advisory committee on a statewide rural broadband strategy. Requires the Office to report to the Legislature on the broadband strategy, progress and funding options for the strategy, and a study on taxes on capital costs of retail broadband services. Makes a \$75 million transfer from the budget stabilization account to the broadband access account, and makes a \$500,000 appropriation from the broadband access account to CTS for the broadband strategy and report. Removes the requirement that the Office develop a model small cell facility ordinance for cities and towns.

(2) Expands the purpose of the Universal Communications Services (UCS) program to include support for broadband services without reference to a time period where incumbent providers are adapting to federal funding changes. Includes broadband services as a service that must continue to be provided during the distribution period. Changes the distribution eligibility before July 1, 2022, to require a communications provider to have adopted a plan for broadband service in the area. Changes distribution eligibility beginning July 1, 2022, to a market-based assessment of a communications provider's

ability to provide services. Provides for pro rata reductions of distributions if the program is unable to fully fund the distribution formula. Removes the requirement to establish an advisory board. Extends the expiration of the program until June 30, 2025. Corrects a termination date to align with the extension. Changes the reporting date to the legislature to December 1, 2021.

(3) Removes the sections that did the following:

(a) Established small cell siting ordinance requirements.

(b) Authorized certain public utility districts to provide retail internet service.

(c) Authorized certain port districts to provide wholesale telecommunications and to select an exclusive provider of end user services.

(d) Amended the criteria and evaluation considerations for the Community Economic Revitalization Board to make grants and loans for broadband infrastructure projects in rural areas.

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