

FINAL BILL REPORT

2SSB 5383

C 293 L 21

Synopsis as Enacted

Brief Description: Authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wellman, Short, Hunt, King, Lovelett, Nguyen, Randall, Saldaña, Warnick, Wilson, C. and Wilson, L.).

Senate Committee on Environment, Energy & Technology

Senate Committee on Ways & Means

House Committee on Community & Economic Development

House Committee on Appropriations

Background: State Broadband Office. The purpose of the Governor's Statewide Broadband Office (office) is to encourage and develop affordable, quality broadband within the state to promote innovation, serve the growing needs of Washington's systems, and improve broadband accessibility for unserved communities.

The office's statutory goals are the following:

- by 2024, businesses and residences have access to minimum speeds of 25 megabits per second (Mbps) download and 3 Mbps upload;
- by 2026, communities have access to at least 1 gigabit per second symmetrical service at anchor institutions; and
- by 2028, businesses and residences have access to at least one provider with 150 Mbps symmetrical service.

The office must biennially report to the Legislature on the office's activities during the previous two years. The report must contain specified information, such as an analysis of the current availability and use of broadband within the state, and suggested policies to accelerate the achievement of the office's statutory goals.

Unserved areas means areas of Washington in which households and businesses lack access

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

to broadband service, as defined by the office, except the state's definition for broadband service may not be actual speeds less than 25 Mbps download and 3 Mbps upload.

Public Utility District. A public utility district (PUD) in existence on June 8, 2000, may construct and operate any telecommunications facilities within or without the PUD's limits for the following purposes:

- for the PUD's internal communications needs; and
- for providing wholesale telecommunications services within the district and by contract with another PUD.

PUD authority to provide retail telecommunications services to end users is limited to when:

- an Internet service provider (ISP) operating on a PUD's facility stops providing services to customers and no other retail service providers are willing to provide service—restrictions are prescribed; and
- a PUD that meets certain requirements is petitioned to provide such services—petition requirements are specified.

Port District. A port district (port) in existence on June 8, 2000, may construct and operate any telecommunications facilities within or without the district's limits for the following purposes:

- for the port's own use; and
- for the provision of wholesale telecommunications services within or without the district's limits.

A port that has not exercised its authority by June 7, 2018, must develop a business case plan before exercising this authority. The business case plan must be reviewed by an independent qualified consultant. Ports do not have the authority to provide telecommunications services to end users.

Summary: Wholesale Telecommunications Services. PUD authority to provide wholesale telecommunications services is expanded to allow a PUD to provide such services:

- within an area in an adjoining county that is already provided electrical services by the PUD; or
- within an adjoining county that does not have a PUD providing electrical or telecommunications services headquartered within the county's boundaries, but only if that district providing telecommunications services is not authorized to provide electrical services.

Retail Telecommunications Services. A PUD or a port may provide retail telecommunications services to an end-user in an unserved area . Within 30 days of its decision to provide retail telecommunications services to unserved areas, a PUD or port must notify and consult with the office. The office must post notices received from a PUD or port on its public website.

Any PUD or port that intends to provide retail telecommunications services to unserved areas must submit a telecommunications infrastructure and service plan (plan) to the office and operate an open access network. The plans must include the following:

- map and description of how the deployment of proposed broadband infrastructure will achieve at a minimum 100 Mbps download speed, and at a minimum, 20 Mbps upload speed, and then increases to be consistent with the stated long-term state broadband speed goals for unserved areas;
- project timeline prioritization of unserved areas; and
- description of potential state and federal funding available to provide service to the unserved area.

Submission of the plans will enable the office to:

- better understand infrastructure development;
- potentially allocate funding for unserved areas;
- advance state policy objectives;
- determine whether the plan aligns with state policy objectives and broadband priorities;
- measure progress toward service to those in unserved areas;
- report on the feasibility and sustainability of the project; and
- confirm the project is within an unserved area.

A PUD or port that exercises its authority to provide retail telecommunications services may use state funds, federal funds appropriated through the state, or federal funds dedicated for projects in unserved areas to fund projects identified in a submitted plan.

For the purposes of providing retail telecommunications services to unserved areas, unserved areas means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 Mbps download and at a minimum 20 Mbps upload.

Report. By December 31, 2022, the office must submit a report to the Legislature regarding the provision of retail telecommunication services to unserved areas by a PUD or port as provided in this act.

Exemption. This act does not apply to a PUD that is petitioned to provide retail Internet services under current law.

Votes on Final Passage:

Senate	43	3	
House	62	36	(House amended)
Senate	40	9	(Senate concurred)

Effective: July 25, 2021