

# SENATE BILL REPORT

## 2SHB 1746

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As of March 17, 2023

**Title:** An act relating to a state broadband map.

**Brief Description:** Concerning a state broadband map.

**Sponsors:** House Committee on Capital Budget (originally sponsored by Representatives Ryu, Berry, Couture, Griffey, Thai, Reed, Gregerson, Sandlin, Tharinger, Walen, Paul, Kloba, Volz, Reeves, Rule and Ormsby).

**Brief History:** Passed House: 3/4/23, 95-1.

**Committee Activity:** Environment, Energy & Technology: 3/17/23.

### Brief Summary of Bill

- Requires the Governor's Statewide Broadband Office (SBO) to develop and maintain a statewide broadband map (statewide map).
- Requires covered entities to submit specified information to SBO to assist in the development of the statewide map.
- Expands Public Works Board grant or loan preapplication requirements to include detailed end-user location addresses for each passing when submitting the location and description of a proposed project.
- Specifies an existing provider must have submitted mapping data to SBO to object to a proposed project.

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Staff:** Angela Kleis (786-7469)

**Background:** Federal Communications Commission. The Federal Communications Commission (FCC) regulates interstate and international communication in promotion of

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several purposes, including competition, innovation, and investment in broadband services and facilities. FCC's new National Broadband Map (national map) provides information about Internet services available to individual locations across the country, along with new maps of mobile coverage. Consumers, state, local and tribal government entities, and other stakeholders can help verify the accuracy of the data shown on the national map by filing challenges.

Statewide Broadband Office. In 2019, the Governor's Statewide Broadband Office (SBO) was established within the Department of Commerce (Commerce) to encourage, foster, develop, and improve affordable, quality broadband within the state. SBO's powers and duties include serving as the central broadband planning body for the state. SBO may take all appropriate steps to seek and apply for eligible federal funds, other grants, and accept donations.

Within SBO, Broadband Action Teams (BATs) are community-drive collaborations that identify the connectivity and accessibility needs for their communities. A BAT can help a community in various ways such as centralizing the broadband conversation and direct engagement to SBO and bringing early awareness of community projects to funding opportunities.

Public Works Board. The Public Works Board (PWB), within Commerce, provides financial and technical assistance to local governments in addressing local infrastructure and public works projects. PWB administers a competitive grant and loan program that awards funding to eligible applicants to promote the expansion of access to broadband service in unserved areas of the state.

Eligible applicants must submit specified information during the application process. When evaluating applications and awarding funds, PWB must give priority to proposed projects in unserved areas, and give priority to applications that meet specified criteria.

Any existing broadband service provider near a proposed project area may submit an objection to PWB. The objection process requires a review and determination by PWB, specifies requirements for the objecting provider, and outlines a process if an objecting provider does not fulfill its commitment to provide service in the project area.

Public Records Act. Under the Public Records Act (PRA), all state and local agencies must make all public records available for public inspection and copying, unless a specific exemption in the PRA or another statute applies. The PRA must be liberally construed, and its exemptions narrowly construed to promote a general public policy favoring disclosure.

**Summary of Bill:** Statewide Broadband Office. SBO's authority is expanded to include developing and maintaining a statewide broadband map (statewide map), and participating in federal broadband mapping activities. Commerce, including SBO, is the single eligible entity in the state for the federal broadband mapping activities.

Statewide Broadband Map. Subject to appropriations, SBO must develop and maintain a statewide map indicating the addresses of serviceable locations and capability of broadband service. SBO may contract with a private entity or third-party consultant to develop and maintain the statewide map. The initial statewide map must be provided by July 1, 2024, and must be updated at least twice per year.

In developing the statewide map, SBO must use the basis for the statewide map the most current version of the national map and incorporate into the statewide map any additional mapping data that may improve upon the national map. SBO must review the national map for deficiencies and gaps in reporting to FCC by covered entities and inform covered entities of the necessity to submit accurate, updated mapping data to FCC and SBO.

To assist in the development of the map, covered entities must submit certain information to SBO twice per year, including:

- updated data concerning broadband infrastructure deployment, including locations and speeds of available satellite service;
- information submitted to FCC according to current law; and
- detailed end-user location address information for broadband infrastructure deployment.

Covered entities that own or operate satellite infrastructure supporting end-user connection must provide information regarding areas served and speeds of available service in those areas if end-user location address information is not available. Covered entities that do not provide service to end-users must provide updated data regarding the location of infrastructure used to support end-user connections.

SBO may not administer any state grants to a covered entity that has not complied with the reporting requirements of this act during the calendar year in which noncompliance was determined, and the following calendar year. However, a covered entity's eligibility for a grant from SBO of solely federal dollars that have been appropriated through the state budget to SBO is not affected by noncompliance.

Subject to appropriations, to supplement mapping information submitted by covered entities, SBO may also conduct a detailed survey of broadband infrastructure owned or leased by state agencies and compile mapping data of broadband infrastructure owned or leased by the state.

SBO may contract with a private entity or third-party consultant to investigate and verify the availability of broadband infrastructure and services in locations of the state where discrepancies are identified by SBO, a resident, a business, an organization, a unit of local government, a tribe, or a BAT, regarding the status of an area or location as served, unserved, or underserved within the statewide and national maps. SBO may use this information to submit bulk challenges to the national map.

Public Works Board. Preapplications for a PWB grant or loan must also include detailed end-user location addresses for each passing when submitting the location and description of a proposed project. An existing provider near a proposed project area must have submitted mapping data to SBO within the previous year in order to submit an objection to a proposed project.

When evaluating applications and awarding funds, PWB may also give priority to applicants who have submitted mapping data to SBO within the previous year.

Disclosure Exemption. Trade secrets and financial and commercial information and records including, but not limited to, fiber, cable, or other infrastructure routes and addresses, supplied by businesses to SBO to assist in developing and maintaining the state broadband map are exempt from disclosure.

**Appropriation:** The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Available, accessible, and affordable broadband is necessary for today's modern society. The state needs accurate mapping data to qualify for as much federal funding as possible. We need to more accurately identify broadband services provided across the state to reduce overbuild, ensure funds are being spent in the areas that it would have the greatest impact, and improve services provided to consumers. Contracting for investigations is important because information identifying deficiencies in reporting can lead to bulk challenges to the FCC mapping data. FCC mapping data has historically lacked accuracy and often overstated the availability of broadband—the accuracy of this data can have implications on what funds are awarded.

**Persons Testifying:** PRO: Representative Cindy Ryu, Prime Sponsor; Mark Vasconi, WA State Broadband Office; Scott Richards, Washington Public Utility Districts Association.

**Persons Signed In To Testify But Not Testifying:** No one.