

SENATE BILL REPORT

SB 5718

As of February 15, 2023

Title: An act relating to a state broadband map.

Brief Description: Concerning a state broadband map.

Sponsors: Senators Wellman, Boehnke, Nguyen, Saldaña and Wilson, C..

Brief History:

Committee Activity: Environment, Energy & Technology: 2/15/23.

Brief Summary of Bill

- Requires the Governor's Statewide Broadband Office (SBO) to develop and maintain a statewide broadband map (map).
- Requires covered entities to submit specified information to the SBO to assist in the development of the map.
- Expands Public Works Board grant or loan application 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 the SBO in order to object to a proposed project.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Angela Kleis (786-7469)

Background: 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. The SBO's powers and duties include serving as the central broadband planning body for the

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state. The SBO may take all appropriate steps to seek and apply for eligible federal funds, other grants, and accept donations.

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. The 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, the 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 the PWB. The objection process requires a review and determination by the 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. The SBO's powers and duties are expanded to include developing and maintaining a statewide broadband map (map), and participating in federal broadband mapping activities. Commerce, including the SBO, is the single eligible entity in the state for the federal broadband mapping activities.

Statewide Broadband Map. The SBO must develop and maintain a map indicating the addresses of serviceable locations and capability of broadband service. The initial map must be provided by July 1, 2024, and must be updated at least twice per year. The SBO may contract with a private entity to develop and maintain the map, may only use submitted mapping data for specified purposes, and may not sell such data. The SBO must establish a process to correct inaccuracies in the map.

To assist in the development of the map, covered entities must submit to the SBO information provided to the Federal Communications Commission pursuant to current law and detailed end-user location address information for broadband infrastructure deployment in the state. 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. The SBO may not administer any state grants to a covered entity that has not complied with this reporting requirement during the calendar year in which noncompliance was determined, and the following calendar year.

To supplement mapping information submitted by covered entities, the 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.

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 the SBO within the previous year in order to submit an objection to a proposed project.

When evaluating applications and awarding funds, the PWB may also give priority to applicants who have submitted mapping data to the 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 the 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: This bill seeks to address a deficiency in current mapping maintained at the federal level. The underreporting of broadband access and speeds can have real consequences on how much grant funding is allocated to states from federal programs. In Washington, you're unserved if you do not have access to Internet speeds of at least 100 megabits per second download and 20 megabits per second upload. We are so far away from having the information that we need. Parts of our state are unable to participate in robust economic development or education due to a lack of broadband service. A lot of time and money has been wasted due to a lack of an accurate broadband map. It's particularly important now as Washington prepares for the once in a lifetime broadband investment from the federal government. Broadband infrastructure needs to be installed properly and under safe working conditions.

OTHER: An accurate broadband map can help the government identify which areas of the state do not have adequate broadband service and then deploy resources to those areas. The deadline to provide the map is a lofty aspiration on top of the required annual updates.

Persons Testifying: PRO: Senator Lisa Wellman, Prime Sponsor; David Ripp, Port of

Camas-Washougal; Carissa Hahn, CWA/WashTech; Adrian Chavarria, CWA/WashTech; Scott Richards, Washington Public Utility Districts Association.

OTHER: Mark Vasconi, State Broadband Office.

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