

Requested by Senator WOODS

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3201**

1 On page 2 of the printed A-engrossed bill, line 1, delete “(3)(a)” and insert
2 “(3)”.

3 Delete line 4 and insert “(a) Criteria for determining whether a location
4 qualifies as an underserved location or”.

5 In line 5, delete “underserved area” and insert “unserved location”.

6 In line 6, delete “in unserved areas or underserved areas” and insert “to
7 underserved locations or unserved locations”.

8 In line 7, delete “(B)” and insert “(b)” and after “area” insert “and lo-
9 cations”.

10 In line 9, delete “(C)” and insert “(c)”.

11 In line 10, delete “(D)” and insert “(d)”.

12 Delete lines 12 through 18 and insert:

13 “(e) A process for challenging an application.”.

14 In line 26, delete “Council, shall” and insert “Council and consistent with
15 applicable federal requirements, shall, by rule,”.

16 In line 28, delete “(3)(a)(A)” and insert “(3)(a)”.

17 After line 31, insert:

18 **“SECTION 1a. (1) If the Oregon Business Development Department**
19 **establishes a program to support broadband service infrastructure**
20 **under section 1 of this 2023 Act that provides loans or grants using**
21 **moneys from the federal Coronavirus Capital Projects Fund (42 U.S.C.**

1 804), the following shall apply:

2 “(a) For purposes of the broadband service infrastructure program,
3 ‘underserved location’ means, based on broadband mapping data pub-
4 lished by the Federal Communications Commission or the State of
5 Oregon, a location at which there is no service provider offering reli-
6 able wireline broadband service at a speed of at least 100 megabits per
7 second for downloads and 20 megabits per second for uploads.

8 “(b) To be eligible for a loan or grant under the broadband service
9 infrastructure program, an applicant shall demonstrate that at least
10 80 percent of the broadband-serviceable locations on a proposed
11 broadband service infrastructure project’s service route that the pro-
12 posed broadband service infrastructure project will serve are under-
13 served locations.

14 “(c) The broadband service infrastructure program shall provide for
15 a process for challenging an application that, except when applicable
16 federal funding requirements require otherwise:

17 “(A) Provides for a period of 30 days from the date that a pending
18 application is published, during which time a broadband service pro-
19 vider may challenge, in writing, the application;

20 “(B) Allows a broadband service provider to challenge an applica-
21 tion on the basis that a location, described in the application as an
22 underserved location that the proposed broadband service
23 infrastructure will serve, is not an underserved location because:

24 “(i) The broadband service provider provides broadband service at
25 the requisite speeds to the location; or

26 “(ii)(I) The broadband service provider has an enforceable commit-
27 ment to provide broadband service at the requisite speeds to the lo-
28 cation; and

29 “(II) The commitment to provide broadband services at the requi-
30 site speeds to the location is by a date that is earlier than the date the

1 proposed broadband service infrastructure will begin to provide
2 broadband services, as described in the application; and

3 “(C) Allows an applicant to amend an application in response to a
4 decision regarding a challenge.

5 “(2) If the department establishes a program to support broadband
6 service infrastructure under section 1 of this 2023 Act that provides
7 loans or grants using moneys from the federal Broadband Equity, Ac-
8 cess, and Deployment Program established under 47 U.S.C. 1702, the
9 following shall apply:

10 “(a) For purposes of the broadband service infrastructure program:

11 “(A) ‘Underserved location’ means, based on broadband mapping
12 data published by the Federal Communications Commission or the
13 State of Oregon, a location at which there is no service provider of-
14 fering reliable broadband service at a speed of at least 100 megabits
15 per second for downloads and 20 megabits per second for uploads and
16 with a latency equal to or less than 100 milliseconds. ‘Underserved lo-
17 cation’ does not include an unserved location.

18 “(B) ‘Unserved location’ means, based on broadband mapping data
19 published by the Federal Communications Commission or the State
20 of Oregon, a location at which there is no service provider offering
21 reliable broadband service at a speed of at least 25 megabits per second
22 for downloads and three megabits per second for uploads and with a
23 latency equal to or less than 100 milliseconds.

24 “(b) To be eligible for a loan or grant under the broadband service
25 infrastructure program, an applicant shall demonstrate that at least
26 80 percent of the broadband-serviceable locations on a proposed
27 broadband service infrastructure project’s service route that the pro-
28 posed broadband service infrastructure project will serve are under-
29 served locations or unserved locations.”.

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