

House Bill 4079

Sponsored by Representatives MARSH, SMITH G, Senators ROBLAN, HANSELL; Representatives ALONSO LEON, HELM, HOLVEY, LIVELY, MEEK, MITCHELL, NERON, NOSSE, POWER, PRUSAK, REARDON, SANCHEZ, SCHOUTEN, SMITH WARNER, SOLLMAN, WILDE, WILLIAMS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies definitions applicable for purposes of universal service surcharge. Subjects sale of retail commercial mobile radio services and retail interconnected voice over internet protocol services to universal service surcharge. Reduces rate cap to six percent of sale of services subject to surcharge.

Directs Public Utility Commission to transfer up to \$5 million per year of moneys deposited in universal service fund to Broadband Fund. Establishes Broadband Fund. Continuously appropriates moneys in Broadband Fund to Oregon Business Development Department to provide grants and loans through, and to administer, program related to broadband. Directs department to adopt program for providing grants and loans by rule. Directs department to report annually to interim committee of Legislative Assembly related to telecommunications on status of Broadband Fund.

Sunset Broadband Fund, transfer of moneys from universal service fund to Broadband Fund and grant program on January 2, 2030.

Becomes operative on January 1, 2021.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the universal service fund; creating new provisions; amending ORS 285A.160, 759.400 and
3 759.425; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 759.400 is amended to read:

6 759.400. As used in ORS 759.400 to 759.455:

7 (1) "Basic telephone service" means local exchange telecommunications service defined as basic
8 by rule of the Public Utility Commission.

9 (2) "Commercial mobile radio service" has the meaning given that term in 47 C.F.R. 20.3.

10 (3) "Interconnected voice over internet protocol service" has the meaning given the term
11 "interconnected VoIP service" in 47 C.F.R. 9.3.

12 [(2)] (4) "Retail telecommunications service" means a telecommunications service provided for
13 a fee to customers. "Retail telecommunications service" does not include a service provided by one
14 telecommunications carrier to another telecommunications carrier, unless the carrier receiving the
15 service is the end user of the service.

16 [(3)] (5) "Telecommunications carrier" means any provider of retail telecommunications services,
17 except a call aggregator as defined in ORS 759.680.

18 **SECTION 2.** ORS 759.425 is amended to read:

19 759.425. [(1) For purposes of this section, "retail telecommunications service" does not include radio
20 communications service, radio paging service, commercial mobile radio service, personal communi-
21 cations service or cellular communications service.]

22 [(2)(a)] (1)(a) The Public Utility Commission shall establish and implement a competitively neu-
23 tral and nondiscriminatory universal service fund. [Except as provided in paragraph (b) of this sub-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in **boldfaced** type.

1 *section,*] The [*Public Utility*] commission shall:

2 (A) Use the universal service fund to ensure basic telephone service is available at a reasonable
3 and affordable rate; **and**

4 (B) **Transfer from the universal service fund to the Oregon Business Development De-**
5 **partment for deposit in the Broadband Fund established under section 4 of this 2020 Act an**
6 **amount per year that is equal to the lesser of:**

7 (i) **\$5 million; or**

8 (ii) **The remainder of moneys deposited in the universal service fund that are unobligated**
9 **after making the designation required in paragraph (b) of this subsection.**

10 (b) **The commission shall designate the amount of moneys deposited annually in the uni-**
11 **versal service fund to be used to ensure basic telephone service. The amount designated**
12 **under this paragraph may not exceed \$28 million per year.**

13 (c) The [*Public Utility*] commission may:

14 (A) Adopt rules to conform the universal service fund to section 254 of the federal Telecommu-
15 nications Act of 1996 [*Public Law 104-104*] (**P.L. 104-104**), and to related regulations adopted by
16 the Federal Communications Commission, to the extent that the Public Utility Commission deter-
17 mines conforming the rules is appropriate[.]; **and**

18 [(b)] (B) In addition to using the universal service fund to ensure basic telephone service, [*the*
19 *Public Utility Commission may*] use the universal service fund to encourage broadband service
20 availability and to provide support to telecommunications carriers that provide:

21 (i) Both basic telephone service and broadband service[.]; **or**

22 (ii) **Both commercial mobile wireless cellular voice service and broadband service.**

23 [(3)(a)] (2)(a) The [*Public Utility*] commission shall establish the price a telecommunications
24 utility may charge its customers for basic telephone service. The commission shall periodically re-
25 view and evaluate the status of telecommunications services in the state and designate the services
26 included in basic telephone service. The commission shall periodically review and adjust as neces-
27 sary the price a telecommunications utility may charge for basic telephone service.

28 (b) The provisions of this subsection do not apply to the basic telephone service provided by a
29 telecommunications utility described in ORS 759.040.

30 [(4)(a)] (3)(a) The commission shall establish a benchmark for basic telephone service as neces-
31 sary for the administration and distribution of the universal service fund. The universal service fund
32 shall provide explicit support to an eligible telecommunications carrier that is equal to the differ-
33 ence between the cost of providing basic telephone service and the benchmark, less any explicit
34 compensation received by the telecommunications carrier from federal sources specifically used to
35 recover local loop costs and less any explicit support received by the telecommunications carrier
36 from a federal universal service program.

37 (b) The commission shall periodically review the benchmark established under paragraph (a) of
38 this subsection and adjust the benchmark as necessary to reflect:

39 (A) Changes in competition in the telecommunications industry;

40 (B) Changes in federal universal service support; and

41 (C) Other relevant factors as determined by the commission.

42 (c) Except for a telecommunications utility described in ORS 759.040, the commission shall seek
43 to limit the difference between the price a telecommunications utility may charge for basic tele-
44 phone service and the benchmark.

45 [(5)] (4)(a) [*There is imposed on the sale of all retail telecommunications services sold in this state*

1 *a universal service surcharge.*] **There is imposed a universal service surcharge on the sale in**
 2 **this state of all:**

- 3 (A) **Retail telecommunications services;**
- 4 (B) **Retail commercial mobile radio services; and**
- 5 (C) **Retail interconnected voice over internet protocol services.**

6 (b) **A retail commercial mobile radio service provider shall identify the intrastate revenues**
 7 **subject to the universal service surcharge based on the inverse of the percentage of**
 8 **interstate revenues utilized for purposes of federal universal service contributions or based**
 9 **on any other method approved by the Public Utility Commission. A retail commercial mobile**
 10 **radio service provider may rely upon the sourcing rules set forth in the Mobile Telecommu-**
 11 **nications Sourcing Act (P.L. 106-252) to identify revenues attributable to Oregon.**

12 (c) **A retail interconnected voice over internet protocol service provider may identify, in**
 13 **accordance with federal guidelines, the intrastate revenues subject to the universal service**
 14 **surcharge based on any one of the following:**

15 (A) **The inverse of the interstate safe harbor percentage established by the Federal**
 16 **Communications Commission for interconnected voice over internet protocol service for**
 17 **federal universal service contribution purposes, as the interstate safe harbor percentage may**
 18 **be revised from time to time;**

19 (B) **A traffic study specific to the interconnected voice over internet protocol service**
 20 **provider that allocates revenues between federal and state jurisdictions; or**

21 (C) **Another methodology for accurately apportioning interconnected voice over internet**
 22 **protocol service revenues between federal and state jurisdictions.**

23 (d) **For any service provider subject to the universal service surcharge that provides, to**
 24 **multiple locations, shared simultaneous voice channel capacity configured to provide local**
 25 **dial in different states, the revenue subject to the surcharge shall be only the portion of the**
 26 **shared capacity in this state as identified:**

27 (A) **By information itemizing, on the billing statements provided to customers, the**
 28 **charges subject to the surcharge, as may be identified by individual end-user location, the**
 29 **total number of end users and the number of end users at each end-user location; or**

30 (B) **If information described in subparagraph (A) of this paragraph does not exist, by the**
 31 **service provider's billing system books and records.**

32 (e) **Unless otherwise provided by the Public Utility Commission by rule, the universal service**
 33 **surcharge must be a uniform percentage of the sale of [retail telecommunications] services subject**
 34 **to the surcharge in an amount sufficient to support the purposes of the universal service fund es-**
 35 **tablished under subsection [(2)] (1) of this section, provided that the percentage does not exceed**
 36 **[8.5] six percent of the sale of [retail telecommunications] services subject to the surcharge.**

37 (f) **The universal service surcharge may be listed by a telecommunications carrier as a sep-**
 38 **arate line item in billing statements provided to customers [by all telecommunications carriers],**
 39 **as prescribed by the commission by rule or order. The commission may not prescribe whether,**
 40 **or the manner by which, a commercial mobile radio services provider or an interconnected**
 41 **voice over internet protocol services provider may list the surcharge in billing statements**
 42 **provided to customers.**

43 (g) **A [telecommunications carrier] service provider required to collect the universal service**
 44 **surcharge shall:**

- 45 (A) **Transmit amounts collected pursuant to this section to the commission in accordance with**

1 a schedule adopted by the commission; and

2 **(B) Provide the commission with information requested by the commission as necessary**
 3 **for the commission to implement this section.**

4 (5) The commission shall deposit moneys transmitted to the commission pursuant to *[this sub-*
 5 *section]* **subsection (4) of this section** in the universal service fund established under subsection
 6 *[(2)] (1)* of this section.

7 (6) The universal service fund established under subsection *[(2)] (1)* of this section is separate
 8 and distinct from the General Fund. The universal service fund shall consist of all universal service
 9 surcharge moneys collected by *[telecommunications carriers]* **service providers required to collect**
 10 **the surcharge** and transmitted to the commission for deposit in the universal service fund. The
 11 universal service fund may be used only for the purposes described in this section and for payment
 12 of expenses incurred by the commission or a third party appointed by the commission to administer
 13 this section. All moneys in the universal service fund are continuously appropriated to the commis-
 14 sion to carry out the provisions of this section. Interest on moneys deposited in the universal ser-
 15 vice fund shall accrue to the universal service fund.

16 *[(7) A person that primarily provides radio communications service, radio paging service, com-*
 17 *mmercial mobile radio service, personal communications service or cellular communications service may*
 18 *request designation as an eligible telecommunications carrier by the commission for purposes of this*
 19 *section if the person imposes the universal service surcharge described in subsection (5) of this section*
 20 *and transmits the moneys collected to the commission for deposit in the universal service fund estab-*
 21 *lished under subsection (2) of this section for at least one year immediately prior to requesting the*
 22 *designation.]*

23 *[(8)] (7)* A pay telephone provider may apply to the commission, on a form developed by the
 24 commission, for a refund of the universal service surcharge imposed on the pay telephone provider
 25 under subsection *[(5)] (4)* of this section for the provision of pay telephone service.

26 **(8) Nothing in this section is intended to grant the commission the authority to impose**
 27 **any requirement or condition, or to exercise any regulatory authority, with respect to com-**
 28 **mercial mobile radio services or interconnected voice over internet protocol services other**
 29 **than as expressly provided for in this section.**

30 **SECTION 3.** ORS 759.425, as amended by section 2 of this 2020 Act, is amended to read:

31 759.425. (1)(a) The Public Utility Commission shall establish and implement a competitively
 32 neutral and nondiscriminatory universal service fund. The commission shall[.]

33 *[(A)]* use the universal service fund to ensure basic telephone service is available at a reason-
 34 able and affordable rate.[,] *and]*

35 *[(B) Transfer from the universal service fund to the Oregon Business Development Department for*
 36 *deposit in the Broadband Fund established under section 4 of this 2020 Act an amount per year that*
 37 *is equal to the lesser of:]*

38 *[(i) \$5 million; or]*

39 *[(ii) The remainder of moneys deposited in the universal service fund that are unobligated after*
 40 *making the designation required in paragraph (b) of this subsection.]*

41 (b) The commission shall designate the amount of moneys deposited annually in the universal
 42 service fund to be used to ensure basic telephone service. The amount designated under this para-
 43 graph may not exceed \$28 million per year.

44 (c) The commission may:

45 (A) Adopt rules to conform the universal service fund to section 254 of the federal Telecommu-

1 nications Act of 1996 (P.L. 104-104), and to related regulations adopted by the Federal Communi-
 2 cations Commission, to the extent that the Public Utility Commission determines conforming the
 3 rules is appropriate; and

4 (B) In addition to using the universal service fund to ensure basic telephone service, use the
 5 universal service fund to encourage broadband service availability and to provide support to tele-
 6 communications carriers that provide:

7 (i) Both basic telephone service and broadband service; or

8 (ii) Both commercial mobile wireless cellular voice service and broadband service.

9 (2)(a) The commission shall establish the price a telecommunications utility may charge its
 10 customers for basic telephone service. The commission shall periodically review and evaluate the
 11 status of telecommunications services in the state and designate the services included in basic
 12 telephone service. The commission shall periodically review and adjust as necessary the price a
 13 telecommunications utility may charge for basic telephone service.

14 (b) The provisions of this subsection do not apply to the basic telephone service provided by a
 15 telecommunications utility described in ORS 759.040.

16 (3)(a) The commission shall establish a benchmark for basic telephone service as necessary for
 17 the administration and distribution of the universal service fund. The universal service fund shall
 18 provide explicit support to an eligible telecommunications carrier that is equal to the difference
 19 between the cost of providing basic telephone service and the benchmark, less any explicit com-
 20 pensation received by the telecommunications carrier from federal sources specifically used to re-
 21 cover local loop costs and less any explicit support received by the telecommunications carrier from
 22 a federal universal service program.

23 (b) The commission shall periodically review the benchmark established under paragraph (a) of
 24 this subsection and adjust the benchmark as necessary to reflect:

25 (A) Changes in competition in the telecommunications industry;

26 (B) Changes in federal universal service support; and

27 (C) Other relevant factors as determined by the commission.

28 (c) Except for a telecommunications utility described in ORS 759.040, the commission shall seek
 29 to limit the difference between the price a telecommunications utility may charge for basic tele-
 30 phone service and the benchmark.

31 (4)(a) There is imposed a universal service surcharge on the sale in this state of all:

32 (A) Retail telecommunications services;

33 (B) Retail commercial mobile radio services; and

34 (C) Retail interconnected voice over internet protocol services.

35 (b) A retail commercial mobile radio service provider shall identify the intrastate revenues
 36 subject to the universal service surcharge based on the inverse of the percentage of interstate re-
 37 venues utilized for purposes of federal universal service contributions or based on any other method
 38 approved by the Public Utility Commission. A retail commercial mobile radio service provider may
 39 rely upon the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (P.L. 106-252)
 40 to identify revenues attributable to Oregon.

41 (c) A retail interconnected voice over internet protocol service provider may identify, in ac-
 42 cordance with federal guidelines, the intrastate revenues subject to the universal service surcharge
 43 based on any one of the following:

44 (A) The inverse of the interstate safe harbor percentage established by the Federal Communi-
 45 cations Commission for interconnected voice over internet protocol service for federal universal

1 service contribution purposes, as the interstate safe harbor percentage may be revised from time to
 2 time;

3 (B) A traffic study specific to the interconnected voice over internet protocol service provider
 4 that allocates revenues between federal and state jurisdictions; or

5 (C) Another methodology for accurately apportioning interconnected voice over internet proto-
 6 col service revenues between federal and state jurisdictions.

7 (d) For any service provider subject to the universal service surcharge that provides, to multiple
 8 locations, shared simultaneous voice channel capacity configured to provide local dial in different
 9 states, the revenue subject to the surcharge shall be only the portion of the shared capacity in this
 10 state as identified:

11 (A) By information itemizing, on the billing statements provided to customers, the charges sub-
 12 ject to the surcharge, as may be identified by individual end-user location, the total number of end
 13 users and the number of end users at each end-user location; or

14 (B) If information described in subparagraph (A) of this paragraph does not exist, by the service
 15 provider's billing system books and records.

16 (e) Unless otherwise provided by the Public Utility Commission by rule, the universal service
 17 surcharge must be a uniform percentage of the sale of services subject to the surcharge in an
 18 amount sufficient to support the purposes of the universal service fund established under subsection
 19 (1) of this section, provided that the percentage does not exceed six percent of the sale of services
 20 subject to the surcharge.

21 (f) The universal service surcharge may be listed by a telecommunications carrier as a separate
 22 line item in billing statements provided to customers, as prescribed by the commission by rule or
 23 order. The commission may not prescribe whether, or the manner by which, a commercial mobile
 24 radio services provider or an interconnected voice over internet protocol services provider may list
 25 the surcharge in billing statements provided to customers.

26 (g) A service provider required to collect the universal service surcharge shall:

27 (A) Transmit amounts collected pursuant to this section to the commission in accordance with
 28 a schedule adopted by the commission; and

29 (B) Provide the commission with information requested by the commission as necessary for the
 30 commission to implement this section.

31 (5) The commission shall deposit moneys transmitted to the commission pursuant to subsection
 32 (4) of this section in the universal service fund established under subsection (1) of this section.

33 (6) The universal service fund established under subsection (1) of this section is separate and
 34 distinct from the General Fund. The universal service fund shall consist of all universal service
 35 surcharge moneys collected by service providers required to collect the surcharge and transmitted
 36 to the commission for deposit in the universal service fund. The universal service fund may be used
 37 only for the purposes described in this section and for payment of expenses incurred by the com-
 38 mission or a third party appointed by the commission to administer this section. All moneys in the
 39 universal service fund are continuously appropriated to the commission to carry out the provisions
 40 of this section. Interest on moneys deposited in the universal service fund shall accrue to the uni-
 41 versal service fund.

42 (7) A pay telephone provider may apply to the commission, on a form developed by the com-
 43 mission, for a refund of the universal service surcharge imposed on the pay telephone provider under
 44 subsection (4) of this section for the provision of pay telephone service.

45 (8) Nothing in this section is intended to grant the commission the authority to impose any re-

1 quirement or condition, or to exercise any regulatory authority, with respect to commercial mobile
 2 radio services or interconnected voice over internet protocol services other than as expressly pro-
 3 vided for in this section.

4 **SECTION 4. The Broadband Fund is established, separate and distinct from the General**
 5 **Fund. Interest earned by the Broadband Fund shall be credited to the fund. Moneys in the**
 6 **Broadband Fund are continuously appropriated to the Oregon Business Development De-**
 7 **partment to be used only for providing grants or loans through, or for administering, the**
 8 **Oregon Broadband Office and the program established by rule under section 5 of this 2020**
 9 **Act. The fund shall consist of moneys deposited in the fund pursuant to ORS 759.425.**

10 **SECTION 5. (1) As used in this section:**

11 (a) **“Underserved area” means, based on the most recent broadband deployment data**
 12 **published by the Federal Communications Commission, other federal agencies or the State**
 13 **of Oregon, a geographic area within one or more census blocks, within which there is no**
 14 **service provider offering residential wireline or wireless broadband service at a speed of at**
 15 **least 25 megabits per second for downloads and three megabits per second for uploads.**

16 (b) **“Unserved area” means, based on the most recent broadband deployment data pub-**
 17 **lished by the Federal Communications Commission, other federal agencies or the State of**
 18 **Oregon, a geographic area within one or more census blocks, within which there is no service**
 19 **provider offering residential wireline or wireless broadband service at a speed of at least 10**
 20 **megabits per second for downloads and one megabit per second for uploads.**

21 (2)(a) **The Oregon Business Development Department shall establish by rule a program**
 22 **for providing grants or loans to assist eligible applicants with projects for:**

- 23 (A) **The planning and development of broadband service infrastructure;**
- 24 (B) **Digital literacy including cybersecurity;**
- 25 (C) **Digital inclusion; and**
- 26 (D) **Digital adoption.**

27 (b) **In establishing the program required by this section, the department shall take into**
 28 **consideration all federal funding opportunities for the planning and development of**
 29 **broadband service infrastructure and shall endeavor to administer the program in a manner**
 30 **that serves to maximize the total available state and federal support for broadband develop-**
 31 **ment and related planning.**

32 (3) **Rules adopted under this section shall include but need not be limited to rules estab-**
 33 **lishing:**

34 (a) **Criteria for applications and for establishing the eligibility of applicants and proposed**
 35 **projects for a grant or loan under the program;**

36 (b) **A process for:**

37 (A) **Identifying broadband service providers that provide service within or near the ge-**
 38 **ographic area that would be benefited by a project proposed by an eligible applicant; and**

39 (B) **Notifying the identified broadband service providers of the pending application;**

40 (c) **Standards for the department to evaluate applications from eligible applicants;**

41 (d) **Criteria and procedures for broadband service providers to engage in a competitive**
 42 **bidding process for contracts to complete projects pursuant to a grant or loan awarded under**
 43 **the program;**

44 (e) **Reporting requirements by grant or loan award recipients on the broadband service**
 45 **infrastructure developed or planned for using grant or loan moneys and the locations served**

1 or that will be served by the broadband service infrastructure;

2 (f) A public process for interested persons to submit comments on pending applications;

3 (g) A process for appealing grant or loan decisions by the department; and

4 (h) Procedures to ensure that any records or data submitted to the department pursuant
5 to administration of the program that relate to broadband, voice connections or sub-
6 scriptions and that are confidential, privileged or otherwise protected from disclosure are
7 not disclosed, except as permitted by state and federal law.

8 (4) In making grant or loan award decisions under the program, the department shall:

9 (a) Give first preference to proposed projects that are eligible to receive funds from the
10 Connecting Oregon Schools Fund established under ORS 276A.424;

11 (b) Give second preference to proposed projects that will provide broadband service ac-
12 cess to public libraries; and

13 (c) Give additional preferences to the following:

14 (A) Proposed projects that will serve unserved areas;

15 (B) Proposed projects that will serve underserved areas; and

16 (C) Proposed projects that will provide broadband service access to residential customers.

17 (5) The department shall, as part of the program, establish procedures for distributing
18 grant or loan funds awarded for the purpose of providing broadband access to schools. Pro-
19 cedures established under this subsection shall include procedures for transferring not more
20 than 20 percent of the moneys deposited in the Broadband Fund each biennium from the
21 Broadband Fund to the Connecting Oregon Schools Fund established under ORS 276A.424.

22 (6) The department may not award a grant or loan under the program for a proposed
23 project to:

24 (a) Develop broadband service infrastructure to serve residential locations that, at the
25 time the application for the proposed project is received by the department, have access to
26 terrestrial wireline or wireless broadband service at a speed of at least 25 megabits per sec-
27 ond for downloads and three megabits per second for uploads; or

28 (b) Develop broadband service infrastructure that will serve two or fewer residential lo-
29 cations.

30 (7)(a) If the department awards a grant or loan for a proposed project to develop
31 broadband service infrastructure that will serve nonresidential locations that, at the time
32 the application for the proposed project was received by the department, were served by
33 terrestrial wireline or wireless broadband service at a speed of at least 25 megabits per sec-
34 ond for downloads and three megabits per second for uploads, the broadband service provid-
35 ers identified pursuant to rules adopted under subsection (3)(b) of this section shall be
36 afforded a right of first refusal to contract for the development of broadband service
37 infrastructure as part of the project. If a broadband service provider exercises the right of
38 first refusal, the provider shall be awarded the contract to develop broadband service
39 infrastructure as part of the project, subject to the requirement that the provider must offer
40 access to the completed broadband service infrastructure:

41 (A) Beginning no later than one year after the date that the department awards the
42 grant or loan to develop the proposed project;

43 (B) At demonstrated download and upload speeds equal to or faster than the speeds in-
44 dicated in the application for the proposed project; and

45 (C) At a cost that is equal to or less than the cost indicated in the application for the

1 **proposed project.**

2 **(b) This subsection does not apply to a grant or loan award for a proposed project de-**
 3 **scribed in subsection (4)(b) of this section.**

4 **SECTION 6. (1) Not later than September 15 of each year, the Oregon Business Devel-**
 5 **opment Department shall report, in the manner provided in ORS 192.245, to an interim**
 6 **committee of the Legislative Assembly related to telecommunications on the status of the**
 7 **Broadband Fund. The report required by this section shall include a description of:**

8 **(a) All loans and grants provided through the program adopted under section 5 of this**
 9 **2020 Act; and**

10 **(b) The status of the projects funded by the loans and grants.**

11 **(2) In addition to the information required in the report under subsection (1) of this**
 12 **section, the report submitted on or before September 15, 2024, by the department pursuant**
 13 **to this section shall include an evaluation of the continuing need for the Broadband Fund,**
 14 **including but not limited to recommendations regarding the repeal, by section 9 of this 2020**
 15 **Act, of the Broadband Fund and the program adopted under section 5 of this 2020 Act.**

16 **SECTION 7. Notwithstanding the amount provided for in ORS 759.425 (1)(b) and the per-**
 17 **centage provided for in ORS 759.425 (4)(e), until December 31, 2021, the amount of moneys**
 18 **deposited annually in the universal service fund to be used to ensure basic telephone service**
 19 **shall be as provided for in Appendix A to Public Utility Commission Order No. 16-093, as**
 20 **corrected by Public Utility Commission Order No. 16-102.**

21 **SECTION 8. ORS 285A.160 is amended to read:**

22 **285A.160. The Oregon Broadband Advisory Council, in consultation with the Oregon**
 23 **Broadband Office, shall submit a report by November 1 of each even-numbered year to the Joint**
 24 **Legislative Committee on Information Management and Technology on the following subjects:**

25 **(1) The affordability and accessibility of broadband technology in all areas of this state;**

26 **(2) The extent of broadband technology use in this state in business, health care, energy man-**
 27 **agement, education and government; and**

28 **(3) The role of broadband technology in local, state and regional economies and economic de-**
 29 **velopment.**

30 **SECTION 9. (1) Sections 4, 5 and 6 of this 2020 Act are repealed on January 2, 2030.**

31 **(2) Any moneys in the Broadband Fund that are unexpended and unobligated on January**
 32 **2, 2030, revert to the universal service fund established under ORS 759.425.**

33 **SECTION 10. The amendments to ORS 759.425 by section 3 of this 2020 Act become op-**
 34 **erative on January 2, 2030.**

35 **SECTION 11. (1) Sections 4 to 7 of this 2020 Act and the amendments to ORS 285A.160,**
 36 **759.400 and 759.425 by sections 1, 2 and 8 of this 2020 Act become operative on January 1,**
 37 **2021.**

38 **(2) The Public Utility Commission and the Oregon Business Development Department**
 39 **may take any action before the operative date specified in subsection (1) of this section that**
 40 **is necessary to enable the commission and the department to exercise, on and after the op-**
 41 **erative date specified in subsection (1) of this section, all of the duties, functions and powers**
 42 **conferred on the commission and the department by sections 4 to 7 of this 2020 Act and the**
 43 **amendments to ORS 285A.160, 759.400 and 759.425 by sections 1, 2 and 8 of this 2020 Act.**

44 **SECTION 12. This 2020 Act takes effect on the 91st day after the date on which the 2020**
 45 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

