

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3201

By COMMITTEE ON VETERANS, EMERGENCY MANAGEMENT, FEDERAL AND WORLD
AFFAIRS

May 19

- 1 On page 2 of the printed A-engrossed bill, line 1, delete “(3)(a)” and insert “(3)”.
- 2 Delete line 4 and insert “(a) Criteria for determining whether a location qualifies as an under-
- 3 served location or”.
- 4 In line 5, delete “underserved area” and insert “unserved location”.
- 5 In line 6, delete “in unserved areas or underserved areas” and insert “to underserved locations
- 6 or unserved locations”.
- 7 In line 7, delete “(B)” and insert “(b)” and after “area” insert “and locations”.
- 8 In line 9, delete “(C)” and insert “(c)”.
- 9 In line 10, delete “(D)” and insert “(d)”.
- 10 Delete lines 12 through 18 and insert:
- 11 “(e) A process for challenging an application.”.
- 12 In line 26, delete “Council, shall” and insert “Council and consistent with applicable federal
- 13 requirements, shall, by rule,”.
- 14 In line 28, delete “(3)(a)(A)” and insert “(3)(a)”.
- 15 After line 31, insert:
- 16 **“SECTION 1a. (1) If the Oregon Business Development Department establishes a program**
- 17 **to support broadband service infrastructure under section 1 of this 2023 Act that provides**
- 18 **loans or grants using moneys from the federal Coronavirus Capital Projects Fund (42 U.S.C.**
- 19 **804), the following shall apply:**
- 20 **“(a) For purposes of the broadband service infrastructure program, ‘underserved**
- 21 **location’ means, based on broadband mapping data published by the Federal Communications**
- 22 **Commission or the State of Oregon, a location at which there is no service provider offering**
- 23 **reliable wireline broadband service at a speed of at least 100 megabits per second for down-**
- 24 **loads and 20 megabits per second for uploads.**
- 25 **“(b) To be eligible for a loan or grant under the broadband service infrastructure pro-**
- 26 **gram, an applicant shall demonstrate that at least 80 percent of the broadband-serviceable**
- 27 **locations on a proposed broadband service infrastructure project’s service route that the**
- 28 **proposed broadband service infrastructure project will serve are underserved locations.**
- 29 **“(c) The broadband service infrastructure program shall provide for a process for chal-**
- 30 **lenging an application that, except when applicable federal funding requirements require**
- 31 **otherwise:**
- 32 **“(A) Provides for a period of 30 days from the date that a pending application is pub-**
- 33 **lished, during which time a broadband service provider may challenge, in writing, the appli-**
- 34 **cation;**
- 35 **“(B) Allows a broadband service provider to challenge an application on the basis that a**

1 location, described in the application as an underserved location that the proposed broadband
2 service infrastructure will serve, is not an underserved location because:

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

5 “(ii)(I) The broadband service provider has an enforceable commitment to provide
6 broadband service at the requisite speeds to the location; and

7 “(II) The commitment to provide broadband services at the requisite speeds to the lo-
8 cation is by a date that is earlier than the date the proposed broadband service
9 infrastructure will begin to provide broadband services, as described in the application; and

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

12 “(2) If the department establishes a program to support broadband service infrastructure
13 under section 1 of this 2023 Act that provides loans or grants using moneys from the federal
14 Broadband Equity, Access, and Deployment Program established under 47 U.S.C. 1702, the
15 following shall apply:

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

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

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

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

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