



Commissioner Carmen Rubio
City of Portland

May 2, 2023

Senate Veterans, Emergency Management, Federal & World Affairs
900 Court Street
Salem, OR 97301

Dear Chair Manning, Vice-Chair Thatcher, and Members of the Committee,

The City of Portland enthusiastically supports HB 3201-A as is. We do not believe this bill needed to be amended but if that is necessary to pass it this session, we are largely comfortable with the amendment language that was being circulated yesterday. We wish, however, to review any final round of amendments prior to taking a position.

HB 3201-A as passed by the House of Representatives represents the work of a broad, inclusive stakeholder group convened by Representative Marsh that included representatives from the Oregon Broadband Office, front-line community organizations, small internet service providers and local governments that came together to ensure Oregon is eligible for the significant amount of federal funding Congress has set aside for broadband access and we can continue to make smart, strategic investments well into the future. HB 3201-A does this by:

- Ensuring the Broadband Fund can keep up with technological changes by creating a new process for setting speed standards through the engagement of the Oregon Broadband Advisory Council (OBAC) and diverse stakeholders. (Recent amendments tie the definitions of unserved and underserved communities to federal guidance and allow the Oregon Broadband Office to work with OBAC to update definitions as needed to keep up with technological advances or changes in federal guidance).
- Continuing to prioritize unserved areas in Oregon while allowing both unserved and underserved areas of the state to advance projects at the same time.
- Removing the “right of first refusal,” a provision in statute that is unique to Oregon that stifles new business development in unserved and underserved areas by giving neighboring service providers the opportunity to challenge a project regardless of their previous intent to invest in improved service in that area. Removing barriers that stifle market competition is good for consumers because it increases provider choice and lowers monthly service costs.
- Addressing the need for a strong and fair challenge process for grant awards through an independent Judicial Review Process as outlined in the Oregon Administrative Procedures Act. (Recent amendments change this by tying the challenge process for federal funds to federal guidance).

The COVID-19 pandemic highlighted and exacerbated the digital divide that exists in Oregon that continues to leave rural, frontier, and historically underserved communities behind. Many Oregonians lack access to affordable, reliable, fast internet, computing devices, technical support, and digital skills training. In the wake of the global pandemic, many essential services shifted online to reduce the spread of the virus. That shift created more challenges for communities that either lack or have inadequate broadband access. Inadequate broadband access creates barriers to critical services like telehealth, working remotely, participating in distance learning, and engaging civically. As more services move online, this will only make reliable internet access and digital skills even more important to day-to-day life.

HB 3201-A makes important updates to state law to ensure Oregon is eligible for to receive more than \$700 million in federal dollars to invest in building services across our state. These unprecedented capital investments are a never-before-seen opportunity to help close Oregon's digital divide, which is critical to our ability to compete in the global economy, educate our children, and care for and engage our constituents.

Finally, while we fully support this bill, I would be remiss not to note the disappointment we have heard from front-line community organizations since this bill moved over to the Senate. Although Rep. Marsh worked hard to establish and maintain a collaborative and inclusive process, workgroup members felt isolated as the negotiations narrowed down to bill sponsors and large service providers. While the City is cautiously optimistic about the final set of amendments, I must note that process matters, and we know far too well what happens when diverse voices are left out of policymaking – we get the digital divide and digital redlining that exists in Oregon today. Please join me and other elected officials in continuing to improve public policymaking processes to make space for *all* impacted stakeholders, especially historically marginalized communities.

We encourage you to support HB 3201-A.

Thank you,

A handwritten signature in black ink, appearing to read "Carmen Rubio". The signature is fluid and cursive, with a small mark at the end.

Carmen Rubio
Commissioner, City of Portland