

**As Reported by the House Finance Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 13**

**Representatives Carfagna, O'Brien**

**Cosponsors: Representatives Hillyer, Smith, R., Boggs, Cera, Hood, Kick, Koehler, Manchester, McClain, Patterson, Riedel, Seitz, Strahorn, West, Ryan, Lipps, Scherer, Greenspan, Edwards, Perales, Hoops, Green, Rogers, Hambley, Ginter, Arndt, Reineke, Stein, Lepore-Hagan, Patton, Baldrige, Holmes, A., Cupp**

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**A BILL**

To amend sections 133.13, 727.01, and 4928.17 and 1  
to enact sections 188.01, 188.03, 188.05, 2  
188.06, 188.07, 188.08, 188.09, 188.10, 188.13, 3  
188.15, 188.16, 188.17, 188.18, 188.19, 188.20, 4  
188.21, 188.23, 188.24, 188.25, 188.30, 188.31, 5  
188.33, 188.34, 188.35, 188.36, 188.37, 188.40, 6  
188.41, 188.43, 188.44, 188.45, 188.46, 188.50, 7  
188.51, 188.53, 188.55, 188.60, 188.61, 188.63, 8  
188.70, 188.71, 188.73, 188.75, 188.76, 188.77, 9  
188.80, 188.81, 188.83, 188.84, 188.85, 188.87, 10  
188.88, 188.89, 188.91, 188.93, 188.95, 303.251, 11  
505.881, 4926.01, 4926.02, 4926.03, 4926.04, 12  
4926.05, 4926.06, 4926.07, 4926.09, 4926.10, 13  
4926.13, 4926.15, 4926.16, 4926.20, 4926.21, 14  
4926.26, 4926.27, 4926.29, 4926.31, 4926.311, 15  
4926.33, 4926.35, 4926.36, 4926.37, 4926.38, 16  
4926.39, 4926.40, 4926.50, 4926.51, 4926.52, 17  
4926.54, 4926.56, 4926.58, 4926.60, 4926.63, 18  
4926.64, 4926.65, 4926.70, 4926.71, 4926.72, 19  
4926.85, 4926.86, 4926.88, 4926.90, 4926.91, 20  
4926.92, 4926.93, and 4926.95 of the Revised 21

Code regarding broadband expansion, including 22  
access to electric cooperative easements and 23  
facilities and railroad rights of way, to repeal 24  
sections 4926.01, 4926.03, 4926.04, 4926.05, 25  
4926.06, 4926.07, 4926.09, 4926.10, 4926.13, 26  
4926.15, 4926.16, 4926.20, 4926.21, 4926.26, 27  
4926.27, 4926.29, 4926.31, 4926.33, 4926.35, 28  
4926.36, 4926.37, 4926.38, 4926.39, and 4926.40 29  
of the Revised Code on the date that is three 30  
years after the act's effective date, and to 31  
make an appropriation. 32

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 133.13, 727.01, and 4928.17 be 33  
amended and sections 188.01, 188.03, 188.05, 188.06, 188.07, 34  
188.08, 188.09, 188.10, 188.13, 188.15, 188.16, 188.17, 188.18, 35  
188.19, 188.20, 188.21, 188.23, 188.24, 188.25, 188.30, 188.31, 36  
188.33, 188.34, 188.35, 188.36, 188.37, 188.40, 188.41, 188.43, 37  
188.44, 188.45, 188.46, 188.50, 188.51, 188.53, 188.55, 188.60, 38  
188.61, 188.63, 188.70, 188.71, 188.73, 188.75, 188.76, 188.77, 39  
188.80, 188.81, 188.83, 188.84, 188.85, 188.87, 188.88, 188.89, 40  
188.91, 188.93, 188.95, 303.251, 505.881, 4926.01, 4926.02, 41  
4926.03, 4926.04, 4926.05, 4926.06, 4926.07, 4926.09, 4926.10, 42  
4926.13, 4926.15, 4926.16, 4926.20, 4926.21, 4926.26, 4926.27, 43  
4926.29, 4926.31, 4926.311, 4926.33, 4926.35, 4926.36, 4926.37, 44  
4926.38, 4926.39, 4926.40, 4926.50, 4926.51, 4926.52, 4926.54, 45  
4926.56, 4926.58, 4926.60, 4926.63, 4926.64, 4926.65, 4926.70, 46  
4926.71, 4926.72, 4926.85, 4926.86, 4926.88, 4926.90, 4926.91, 47  
4926.92, 4926.93, and 4926.95 of the Revised Code be enacted to 48

read as follows:

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**Sec. 133.13.** If the special assessments are to be paid in  
one annual installment, the taxing authority of a subdivision  
may issue securities in anticipation of its levy or collection  
of special assessments to pay the costs of the subdivision's  
broadband funding gap portion for an eligible project under  
sections 188.01 to 188.77 of the Revised Code, lighting,  
sprinkling, sweeping, cleaning, providing related or similar  
services or the services described in section 727.011 of the  
Revised Code, or of removing snow, ice, and debris from, or  
treating the surface of, streets, alleys, and public ways and  
places.

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Such securities shall not be general obligations of the  
issuing subdivision, and shall not pledge to the payment of debt  
charges any receipts other than the special assessments  
anticipated, except that a municipal corporation, without  
incurring debt subject to direct or indirect debt limitations,  
may also pledge and apply proceeds of its municipal income tax  
to pay those debt charges. No property tax shall be levied or  
pledged for the payment of debt charges on the securities. The  
securities shall mature no later than the last day of December  
of the year in which the special assessments anticipated are  
scheduled to be collected.

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The legislation authorizing the securities shall  
appropriate the special assessments anticipated, and such  
special assessments shall be deemed to be pledged and  
appropriated, first to the payment of the debt charges on the  
securities. After provision has been made for the payment in  
full of those debt charges, the balance of the special  
assessments may be appropriated and applied for the purposes for

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which they were levied. 79

Sec. 188.01. As used in sections 188.01 to 188.77 of the 80  
Revised Code: 81

(A) "Application" means an application made under section 82  
188.13 of the Revised Code for a program grant. 83

(B) "Broadband funding gap" means the difference between 84  
the total amount of money a broadband provider calculates is 85  
necessary to construct the last mile of a specific broadband 86  
network and the total amount of money that the provider has 87  
determined is the maximum amount of money that is cost effective 88  
for the provider to invest in last mile construction for that 89  
network. 90

(C) (1) "Broadband provider" means one of the following: 91

(a) A video service provider as defined in section 1332.21 92  
of the Revised Code; 93

(b) A provider that is capable of providing tier one or 94  
tier two broadband service and is one of the following: 95

(i) A telecommunications service provider; 96

(ii) A satellite broadcasting service provider; 97

(iii) A wireless service provider as defined in section 98  
4927.01 of the Revised Code. 99

(2) "Broadband provider" does not include a governmental 100  
or quasi-governmental entity. 101

(D) "Eligible project" means a project to provide tier two 102  
broadband service access to residences in an unserved area or 103  
tier one area of a municipal corporation or township that is 104  
eligible for funding under sections 188.13 to 188.46 of the 105

Revised Code. 106

(E) "Last mile" means the last portion of a physical 107  
broadband network that connects an eligible project to the 108  
broader network used to provide tier two broadband service, and 109  
to which both of the following apply: 110

(1) It includes other network infrastructure in the last 111  
portion of the network that is needed to provide tier two 112  
broadband service to residences as part of an eligible project, 113  
but does not include network infrastructure in any portion of 114  
the network that is outside of the last portion. 115

(2) It is not required to be, or limited to, a specific 116  
distance measurement of one mile or any other specific distance. 117

(F) "Ohio residential broadband expansion grant program" 118  
means the program established under sections 188.01 to 188.77 of 119  
the Revised Code. 120

(G) "Program grant" means money awarded under the Ohio 121  
residential broadband expansion grant program to assist in 122  
covering the broadband funding gap for an eligible project. 123

(H) "Satellite broadcasting service" has the same meaning 124  
as in section 5739.01 of the Revised Code. 125

(I) "Telecommunications service" has the same meaning as 126  
in section 1332.21 of the Revised Code. 127

(J) "Tier one broadband service" means a retail wireline 128  
or wireless broadband service capable of delivering internet 129  
access at speeds of at least ten but less than twenty-five 130  
megabits per second downstream and at least one but less than 131  
three megabits per second upstream. 132

(K) "Tier two broadband service" means a retail wireline 133

or wireless broadband service capable of delivering internet 134  
access at speeds of at least twenty-five megabits per second 135  
downstream and at least three megabits per second upstream. 136

(L) "Tier one area" means an area that has access to tier 137  
one broadband service but not tier two broadband service. "Tier 138  
one area" includes an area where construction of a network to 139  
provide tier one broadband service is in progress and is 140  
scheduled to be completed within a two-year period. "Tier one 141  
area" excludes an area where construction of a network to 142  
provide tier two broadband service is in progress and is 143  
scheduled to be completed within a two-year period. 144

(M) "Unserved area" means an area without access to tier 145  
one broadband service or tier two broadband service. "Unserved 146  
area" excludes an area where construction of a network to 147  
provide tier one broadband service or tier two broadband service 148  
is in progress and is scheduled to be completed within a two- 149  
year period. 150

Sec. 188.03. There is hereby established the Ohio 151  
residential broadband expansion grant program within the 152  
department of commerce. The department shall administer and 153  
provide staff assistance for the program. The department shall 154  
be responsible for receiving and reviewing applications for 155  
program grants and for sending completed applications to the 156  
broadband expansion program authority for final review and award 157  
of program grants. 158

Sec. 188.05. (A) (1) There is hereby created, within the 159  
department of commerce, the broadband expansion program 160  
authority, which shall consist of the director of commerce or 161  
the director's designee, the chief investment officer of 162  
JobsOhio or the chief investment officer's designee, and three 163

other members as follows: one member appointed by the president 164  
of the senate, one member appointed by the speaker of the house 165  
of representatives, and one member appointed by the governor. 166

(2) Appointed members shall have expertise in broadband 167  
infrastructure and technology. Appointed members may not be 168  
affiliated with or employed by the broadband industry or in a 169  
position to benefit from a program grant. 170

(3) The assignment of designees by the director and the 171  
chief investment officer shall be made in writing. 172

(B) Appointed members shall serve four year terms and are 173  
eligible for reappointment. 174

(C) Vacancies shall be filled in the same manner as 175  
provided for original appointments. Any member appointed to fill 176  
a vacancy occurring prior to the expiration of the term for 177  
which the member's predecessor was appointed shall hold office 178  
for the remainder of that term. 179

(D) (1) (a) Appointed members shall receive a monthly 180  
stipend as calculated under section 145.016 of the Revised Code 181  
in an amount that will qualify each member for one year of 182  
retirement service credit under the Ohio public employees 183  
retirement system for each year of the member's term. 184

(b) Notwithstanding the requirement of section 145.58 of 185  
the Revised Code that eligibility for health care coverage 186  
provided under that section be based on years and types of 187  
service credit in accordance with rules adopted by the public 188  
employees retirement board, if the board provides health care 189  
coverage under that section, no service credit earned for 190  
service as a member of the authority shall be considered for 191  
purposes of determining eligibility for coverage under that 192

<u>section.</u>	193
<u>(c) Members shall receive reimbursement for their</u>	194
<u>necessary and actual expenses incurred in performing the</u>	195
<u>business of the authority. The reimbursements constitute, as</u>	196
<u>applicable, administrative costs of the Ohio residential</u>	197
<u>broadband expansion grant program.</u>	198
<u>(2) An appointed member of the authority who is currently</u>	199
<u>serving as an administrative department head under section</u>	200
<u>121.03 of the Revised Code is not eligible to receive a stipend</u>	201
<u>under division (A) of this section.</u>	202
<u>(3) The department shall be responsible for paying all</u>	203
<u>reimbursements and stipends under this section.</u>	204
<u>(E) The director, or the director's designee, shall serve</u>	205
<u>as chairperson of the authority. The members of the authority</u>	206
<u>annually shall elect a vice-chairperson from the members of the</u>	207
<u>authority. Three members of the authority constitute a quorum to</u>	208
<u>transact and vote on the business of the authority. An</u>	209
<u>affirmative vote of three members is necessary to approve any</u>	210
<u>business, including the election of the vice-chairperson.</u>	211
<u>(F) If the director assigns a designee to serve on the</u>	212
<u>authority, the director shall appoint a professional employee of</u>	213
<u>the department of commerce to serve as the director's designee</u>	214
<u>at authority meetings. In the absence of the director or the</u>	215
<u>director's designee, the vice-chairperson of the authority shall</u>	216
<u>serve as chairperson of authority meetings.</u>	217
<u>(G) The authority is not an agency for purposes of</u>	218
<u>sections 101.82 to 101.87 of the Revised Code.</u>	219
<u>Sec. 188.06. (A) Members of the broadband expansion</u>	220
<u>program authority may attend meetings of the authority</u>	221



electronically by means of electronic communication if all of 222  
the following apply: 223

(1) At least three of the members attending the meeting 224  
are present in person at the place where the meeting is 225  
conducted. 226

(2) The means of electronic communication permits, for the 227  
duration of the meeting, simultaneous communication among the 228  
members attending electronically, the members attending in 229  
person, and all members of the public attending in person. 230

(3) All votes taken at the meeting are to be taken by roll 231  
call vote. 232

(B) Except in the case of an emergency, a member who 233  
intends to attend a meeting by means of electronic communication 234  
shall notify the chairperson of the member's intent not less 235  
than forty-eight hours before the scheduled time of the meeting. 236

**Sec. 188.07.** The broadband expansion program authority 237  
shall consider each application for a program grant that the 238  
department of commerce has reviewed and sent to it. The 239  
authority shall score all applications according to the scoring 240  
system established under section 188.40 of the Revised Code and 241  
award program grants based on that system according to sections 242  
188.43 and 188.44 of the Revised Code. 243

**Sec. 188.08.** The broadband expansion program authority 244  
shall do the following: 245

(A) Continually examine, and propose updates to, any 246  
broadband plan provided by law enacted by the general assembly 247  
or executive order issued by the governor; 248

(B) Monitor the Ohio residential broadband expansion grant 249

<u>program, including by doing the following;</u>	250
<u>(1) Tracking the details for annual applications to the</u>	251
<u>program, including:</u>	252
<u>(a) The number of applications;</u>	253
<u>(b) The geographic locations of the eligible projects</u>	254
<u>listed in the applications;</u>	255
<u>(c) The broadband providers submitting applications;</u>	256
<u>(d) A description of the tier two broadband infrastructure</u>	257
<u>and technology proposed in applications;</u>	258
<u>(e) A description of any public right-of-way or public</u>	259
<u>facilities to be utilized for the projects;</u>	260
<u>(f) The speeds of the tier two broadband services under</u>	261
<u>the projects;</u>	262
<u>(g) The amount of the grant funds requested for each</u>	263
<u>project and the proportion of project funding to be provided by</u>	264
<u>the broadband provider and by other entities;</u>	265
<u>(h) The number of residential and nonresidential locations</u>	266
<u>that will have access to tier two broadband service under each</u>	267
<u>project.</u>	268
<u>(2) Tracking the program grants awarded annually,</u>	269
<u>including:</u>	270
<u>(a) The number of program grants;</u>	271
<u>(b) The geographic location or locations of the projects;</u>	272
<u>(c) The broadband providers that received program grants</u>	273
<u>and the entities or companies that submitted the application;</u>	274
<u>(d) A description of the tier two broadband infrastructure</u>	275

<u>and technology deployed in each project;</u>	276
<u>(e) A description of any public right-of-way or public facilities utilized as part of the project;</u>	277
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<u>(f) The speeds of the tier two broadband services enabled by each project;</u>	279
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<u>(g) The amounts of each program grant, the share of the project funding provided by the broadband provider, and any share of the project funding provided by other entities;</u>	281
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<u>(h) The number of residential and nonresidential locations that will have access to tier two broadband service for each project.</u>	284
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<u>(3) Listing the amount of any unencumbered program grant funds that remain available for award under the Ohio residential broadband expansion grant program;</u>	287
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<u>(4) Adding any additional factors deemed necessary by the authority to monitor the program.</u>	290
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<u>(C) Review all progress reports and operational reports required under section 188.70 of the Revised Code.</u>	292
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<u>(D) Review all pending county requests made pursuant to section 188.51 of the Revised Code for program grants.</u>	294
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<u>(E) Identify any best practices for, and impediments to, the continued expansion of tier two broadband infrastructure and technology in the state;</u>	296
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<u>(F) Coordinate and promote the availability of publicly accessible digital literacy programs to increase fluency in the use and security of interactive digital tools and searchable networks, including the ability to use digital tools safely and</u>	299
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<u>effectively for learning, collaborating, and producing;</u>	303
<u>(G) Identify, examine, and report on any federal or state</u>	304
<u>government grant or loan program that would promote the</u>	305
<u>deployment of tier two broadband infrastructure and technology</u>	306
<u>in the state;</u>	307
<u>(H) Track the availability, location, rates and speeds,</u>	308
<u>and adoption of programs that offer tier one broadband service</u>	309
<u>and tier two broadband service in an affordable manner to low-</u>	310
<u>income consumers in this state.</u>	311
<u>Sec. 188.09. The broadband expansion program authority</u>	312
<u>shall conduct hearings to gather information necessary to</u>	313
<u>accomplish the duties specified under section 188.08 of the</u>	314
<u>Revised Code.</u>	315
<u>Sec. 188.10. The broadband expansion program authority,</u>	316
<u>upon majority approval of the authority's members, shall submit</u>	317
<u>a written public report of its findings and recommendations to</u>	318
<u>the governor and the general assembly not later than the first</u>	319
<u>of December of each calendar year.</u>	320
<u>The authority shall not disclose any proprietary</u>	321
<u>information or trade secrets in the report. Copies of the report</u>	322
<u>shall be available on the department of commerce's web site.</u>	323
<u>Sec. 188.13. A broadband provider may apply for a program</u>	324
<u>grant under the Ohio residential broadband expansion grant</u>	325
<u>program.</u>	326
<u>Sec. 188.15. Program grants under the Ohio residential</u>	327
<u>broadband expansion grant program shall be awarded only for</u>	328
<u>eligible projects.</u>	329
<u>Sec. 188.16. An application shall be ineligible for a</u>	330

program grant under the Ohio residential broadband expansion 331  
grant program if either of the following apply: 332

(A) It proposes to provide tier two broadband service to 333  
areas where tier two broadband service is presently available. 334

(B) In the proposed area of service, construction of a 335  
network to provide tier two broadband service currently is in 336  
progress and either of the following applies: 337

(1) It is being constructed, without grant program 338  
funding, by the broadband provider that submitted the 339  
application. 340

(2) It is scheduled to be completed by another broadband 341  
provider not later than two years after the date of a challenge 342  
submitted under section 188.30 of the Revised Code. 343

**Sec. 188.17.** The broadband expansion program authority 344  
shall award program grants under the Ohio residential broadband 345  
expansion grant program using funds from the Ohio residential 346  
broadband expansion grant program fund created in section 188.37 347  
of the Revised Code. 348

**Sec. 188.18.** (A) Each fiscal year, the department of 349  
commerce shall fund program grants until funds for that fiscal 350  
year are no longer available. 351

(B) Any application pending at the end of the fiscal year 352  
shall be deemed denied, but may be refiled in a subsequent 353  
fiscal year provided that all information in the application is 354  
still current or has been updated. 355

**Sec. 188.19.** (A) (1) Each fiscal year, the department of 356  
commerce shall accept applications for program grants. 357

(2) To apply for a program grant, a broadband provider 358

shall submit an application to the department on a form 359  
prescribed by the department and shall provide the information 360  
required under section 188.20 of the Revised Code. The form 361  
shall include a statement informing the applicant that failure 362  
to comply with the program or to meet the required tier two 363  
broadband service proposed in the application may require the 364  
refund of all or a portion of the program grant awarded for the 365  
project. 366

(3) Applications may be submitted in person or by 367  
certified mail or electronic mail, or uploaded to a designated 368  
department web site for applications. 369

(B) Applications shall be accepted during a submission 370  
period specified by the broadband expansion program authority. 371  
Each submission period shall be at least sixty but not more than 372  
ninety days. Each fiscal year there shall be not more than two 373  
submission periods. 374

(C) The department shall publish information from 375  
submitted applications on the department's web site as follows: 376

(1) Not later than five days after the close of the 377  
submission period in which the application is made, the 378  
department shall publish, for each completed application, the 379  
list of residential addresses included with the completed 380  
applications under division (A) (1) (a) of section 188.20 of the 381  
Revised Code. 382

(2) Not later than thirty-five days after the close of the 383  
submission period in which the application is made, the 384  
department shall publish all information from each completed 385  
application that it determines is not confidential under section 386  
188.23 of the Revised Code. 387

(D) If an application is incomplete, the department shall 388  
notify the broadband provider that submitted the application. 389  
The notification shall list what information is incomplete and 390  
shall describe the procedure for refiling a completed 391  
application. 392

(E) The department shall review an application determined 393  
incomplete under division (D) of this section as provided in 394  
sections 188.19 to 188.36 of the Revised Code if the application 395  
is completed and refiled: 396

(1) Before the end of the submission period described 397  
under division (B) of this section; or 398

(2) Not later than fourteen days after the end of the 399  
submission period described under division (B) of this section, 400  
if the department, for good cause shown, has granted the 401  
broadband provider an extension period of not more than fourteen 402  
days in which to file the completed application. 403

(F) The department shall deny an incomplete application if 404  
the broadband provider fails to complete and refile it within 405  
the applicable submission period or extension period. 406  
Applications that are denied shall not be published on the 407  
department's web site. 408

**Sec. 188.20.** (A) An application for a program grant under 409  
the Ohio residential broadband expansion grant program shall 410  
include, at a minimum, the following information for an eligible 411  
project: 412

(1) The location and description of the project, 413  
including: 414

(a) The residential addresses in the unserved or tier one 415  
areas where tier two broadband service will be available 416

following completion of the project; 417

(b) A notarized letter of intent that the broadband provider will provide access to tier two broadband service to all of the residential addresses listed in the project; 418  
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(c) A notarized letter of intent by the broadband provider that none of the funds provided by the program grant will be used to extend or deploy facilities to any residences other than those in the unserved or tier one areas that are part of the project. 421  
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(2) The amount of the broadband funding gap and the amount of state funds requested; 426  
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(3) The amount of any financial or in-kind contributions to be used towards the broadband funding gap and identification of the contribution sources, which may include, but are not limited to, any combination of the following: 428  
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(a) Funds that the broadband provider is willing to contribute to the broadband funding gap; 432  
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(b) Funds received or approved under any other federal or state government grant or loan program; 434  
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(c) General revenue funds of a municipal corporation, township, or county comprising the area of the eligible project; 436  
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(d) Other discretionary funds of the municipal corporation, township, or county comprising the area of the eligible project; 438  
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(e) Any alternate payment terms that the broadband provider and any legislative authority in which the project is located have negotiated and agreed to pursuant to section 188.25 of the Revised Code; 441  
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<u>(f) Contributions or grants from individuals,</u>	445
<u>organizations, or companies;</u>	446
<u>(g) Property tax assessments made by the municipal</u>	447
<u>corporation under Chapter 727. of the Revised Code, township</u>	448
<u>under section 505.881 of the Revised Code, or county under</u>	449
<u>section 303.251 of the Revised Code.</u>	450
<u>(4) The source and amount of any financial or in-kind</u>	451
<u>contributions received or approved for any part of the overall</u>	452
<u>eligible project cost, but not applied to the broadband funding</u>	453
<u>gap;</u>	454
<u>(5) A description of, or documentation demonstrating, the</u>	455
<u>broadband provider's managerial and technical expertise and</u>	456
<u>experience with broadband service projects;</u>	457
<u>(6) Whether the broadband provider plans to use wired,</u>	458
<u>wireless, or satellite technology to complete the project;</u>	459
<u>(7) A description of the scalability of the project;</u>	460
<u>(8) The megabit-per-second broadband download and upload</u>	461
<u>speeds planned for the project;</u>	462
<u>(9) A description of the broadband provider's customer</u>	463
<u>service capabilities, including any locally based call centers</u>	464
<u>or customer service offices;</u>	465
<u>(10) A copy of the broadband provider's general customer</u>	466
<u>service policies, including any policy to credit customers for</u>	467
<u>service outages or the provider's failure to keep scheduled</u>	468
<u>appointments for service;</u>	469
<u>(11) The length of time that the broadband provider has</u>	470
<u>been operating in the state;</u>	471

<u>(12) Proof that the broadband provider has the financial</u>	472
<u>stability to complete the project;</u>	473
<u>(13) A projected construction timetable, including the</u>	474
<u>anticipated date of the provision of tier two broadband service</u>	475
<u>access within the project;</u>	476
<u>(14) A description of anticipated or preliminary</u>	477
<u>government authorizations, permits, and other approvals required</u>	478
<u>in connection with the project, and an estimated timetable for</u>	479
<u>the acquisition of such approvals;</u>	480
<u>(15) A notification from the broadband provider informing</u>	481
<u>the department of commerce of any information contained in the</u>	482
<u>application, or within related documents submitted with it, that</u>	483
<u>the provider considers proprietary or a trade secret;</u>	484
<u>(16) A notarized statement that the broadband provider</u>	485
<u>accepts the condition that noncompliance with Ohio residential</u>	486
<u>broadband expansion grant program requirements may require the</u>	487
<u>provider to refund all or part of any program grant the provider</u>	488
<u>receives;</u>	489
<u>(17) A brief description of any arrangements, including</u>	490
<u>any subleases of infrastructure or joint ownership arrangements</u>	491
<u>that the broadband provider that submitted the application has</u>	492
<u>entered into, or plans to enter into, with another broadband</u>	493
<u>provider, an electric cooperative, or an electric distribution</u>	494
<u>utility, to enable the offering of tier two broadband service</u>	495
<u>under the project;</u>	496
<u>(18) Other relevant information that the department</u>	497
<u>determines is necessary and prescribes by rule;</u>	498
<u>(19) Any other information the broadband provider</u>	499
<u>considers necessary.</u>	500

(B) To meet the requirement to provide proof of financial responsibility in the application, the broadband provider may submit publicly available financial statements with its application. 501  
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**Sec. 188.21.** As a condition for receiving a program grant under the Ohio residential broadband expansion grant program, the broadband expansion program authority may require a broadband provider that is awarded a program grant to provide a performance bond, letter of credit, or other financial assurance acceptable to the authority prior to the commencement of construction. The bond, letter of credit, or assurance shall be in the sum, and with the sureties, that the state prescribes and shall be payable to the state, as applicable. 505  
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The bond, letter of credit, or assurance may include the condition that the broadband provider will faithfully execute and complete the project. 514  
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The purpose of the performance bond, letter of credit, or other financial assurance is to assure completion of the project. The bond, letter of credit, or assurance shall not be required after the project is complete. 517  
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**Sec. 188.23.** Pursuant to rules adopted under section 188.77 of the Revised Code, the department of commerce shall evaluate the information and documents submitted by a broadband provider in an application under section 188.13 of the Revised Code or by a challenging broadband provider under section 188.30 of the Revised Code. The evaluation shall determine whether the information and documents are proprietary or constitute a trade secret. Upon receipt of the information and documents, the department shall keep them confidential and shall not publish them on the department's web site, unless the department finds 521  
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that any information or document is not proprietary or a trade 531  
secret. Any information or document found not to be proprietary 532  
or a trade secret under this section shall not be considered 533  
confidential and shall be published on the department web site 534  
as is required for an application under division (C)(2) of 535  
section 188.19 of the Revised Code. 536

Sec. 188.24. The department of commerce shall establish an 537  
automatic notification process through which interested parties 538  
may receive electronic mail notifications when the department 539  
publishes application and other information on its web site 540  
pursuant to sections 188.01 to 188.77 of the Revised Code. 541

Sec. 188.25. A broadband provider may enter into an 542  
arrangement to designate video service provider fees remitted by 543  
the broadband provider for contribution towards an eligible 544  
project's broadband funding gap under the following 545  
circumstances: 546

(A) The broadband provider is a video service provider 547  
that, pursuant to section 1332.32 of the Revised Code, collects 548  
and remits video service provider fees to one or more 549  
legislative authorities in which an eligible project is located. 550

(B) The arrangement is entered into by mutual consent with 551  
one or more of the legislative authorities in which the eligible 552  
project is located. 553

Sec. 188.30. (A) (1) (a) A broadband provider that provides 554  
tier two broadband service within or directly adjacent to an 555  
eligible project may challenge, in writing, all or part of a 556  
completed application for a program grant for the project not 557  
later than sixty-five days after the close of the submission 558  
period, or an extension granted under division (E)(2) of section 559

188.19 of the Revised Code, in which the application was made. 560

(b) The department, for good cause shown, may grant the 561  
broadband provider an extension of not more than fourteen days 562  
in which to submit a challenge. 563

(2) The broadband provider challenging the application 564  
shall provide, by certified mail, a written copy of the 565  
challenge to the department and to the broadband provider that 566  
submitted the application. The copy provided to the department 567  
may include any information the challenging broadband provider 568  
considers to be proprietary or a trade secret. Proprietary 569  
information or trade secrets may be redacted from the copy 570  
provided to the broadband provider that submitted the 571  
application. 572

(B) No challenge to an application may be accepted before 573  
the completed application is published in its entirety on the 574  
department of commerce's web site pursuant to division (C)(2) of 575  
section 188.19 of the Revised Code. 576

**Sec. 188.31.** (A) To successfully challenge an application, 577  
a broadband provider shall provide sufficient evidence to the 578  
department of commerce demonstrating that all or part of a 579  
project under the application is ineligible for a grant. The 580  
challenge shall, at minimum, include the following information: 581

(1) Sufficient evidence disputing the notarized letter of 582  
intent submitted with the application that the eligible project 583  
contains unserved or tier one areas; 584

(2) Sufficient evidence attesting to the challenging 585  
broadband provider's existing or planned offering of tier two 586  
broadband service to all or part of the eligible project, which 587  
evidence shall include the following: 588

(a) With regard to existing tier two broadband service, a signed, notarized statement submitted by the challenging broadband provider that sufficiently identifies the part of the eligible project to which the challenging broadband provider offers broadband service; 589  
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(b) With regard to the planned provision of tier two broadband service by a challenging broadband provider as described in division (B) of section 188.16 of the Revised Code, both of the following: 594  
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(i) A signed, notarized statement submitted by the challenging broadband provider that sufficiently identifies the part of the eligible project to which the challenging broadband provider will offer broadband service; 598  
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(ii) A summary of the construction efforts that includes the dates when tier two broadband construction is expected to be completed and when tier two broadband service will first be offered to the part of the eligible project being challenged. 602  
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(B) To demonstrate that all or part of a project under the application is ineligible for a grant, a challenging broadband provider may present shapefile data, residential addresses, maps, or similar geographic details. Census block or census tract level data shall not be acceptable as evidence of ineligibility of all or part of a project. 606  
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**Sec. 188.33.** (A) Not later than thirty days after receipt of a challenge under sections 188.30 to 188.35 of the Revised Code, the broadband expansion program authority may do either of the following: 612  
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(1) Suspend, subject to division (B) of this section, all or part of the application; 616  
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(2) Reject the challenge, approve the application, and 618  
proceed with the application process. 619

(B) The authority shall allow the broadband provider that 620  
submitted the application being challenged to revise the 621  
application consistent with sections 188.01 to 188.77 of the 622  
Revised Code, if the authority upholds a challenge to all or 623  
part of the application. 624

(C) The authority shall notify both the broadband provider 625  
that submitted the application and the challenging broadband 626  
provider of any decision made under this section by providing a 627  
copy of the decision by certified mail or electronic mail. The 628  
authority shall update the status of the application on the 629  
department of commerce web site. 630

**Sec. 188.34.** (A) If the broadband expansion program 631  
authority suspends all or part of an application, the broadband 632  
provider that submitted the application may revise and resubmit 633  
the application not later than fourteen days after receiving the 634  
suspension notification sent by the authority pursuant to 635  
section 188.33 of the Revised Code. The broadband provider may 636  
request, and the authority may grant for good cause shown, an 637  
extension period of not more than fourteen days in which the 638  
broadband provider may resubmit the application. 639

(B) When revising the application, the broadband provider 640  
shall not expand the scope or impact of the original 641  
application, nor shall the provider add any new residential 642  
addresses to the eligible project. 643

(C) The broadband provider shall provide a copy of the 644  
revised application to both the authority and the challenging 645  
broadband provider by certified mail or by electronic mail or by 646

uploading it to the department of commerce designated web site 647  
for applications. The department shall publish the revised 648  
application on the department's public web site provided that 649  
any information determined to be proprietary or a trade secret 650  
under section 188.23 of the Revised Code is redacted. 651

(D) Any failure to respond to the notification or properly 652  
revise the application to the authority's satisfaction shall be 653  
considered a withdrawal of the application. 654

**Sec. 188.35.** Upon receipt of a revised application under 655  
section 188.34 of the Revised Code, the broadband expansion 656  
program authority shall review the revised application and 657  
decide whether to accept it or uphold the challenge under 658  
sections 188.30 to 188.35 of the Revised Code within fourteen 659  
days. The authority shall provide a copy of its decision to both 660  
the broadband provider that submitted the revised application 661  
and the challenging broadband provider by certified mail or 662  
electronic mail and shall update the status of the application 663  
on the department's web site. The decision shall be considered 664  
final, and further challenges to the revised application are 665  
prohibited. 666

**Sec. 188.36.** If the broadband expansion program authority 667  
upholds a challenge to an application under sections 188.30 to 668  
188.35 of the Revised Code and the challenging broadband 669  
provider fails to provide tier two broadband service as 670  
described in the challenge, the challenging broadband provider, 671  
after a reasonable opportunity to be heard, may be required to 672  
do either or both of the following, in addition to being subject 673  
to other remedies available under the law: 674

(A) Pay to the department of commerce the amount of the 675  
original broadband funding gap described in section 188.20 of 676



the Revised Code for the application that was challenged; 677

(B) Comply with the requirements of any other penalties 678  
prescribed by rule of the department and imposed after 679  
consultation with the authority. 680

**Sec. 188.37.** Any money collected under section 188.36 of 681  
the Revised Code and funds appropriated for the Ohio residential 682  
broadband expansion grant program shall be deposited into the 683  
Ohio residential broadband expansion grant program fund, which 684  
is hereby created in the state treasury. All amounts in the 685  
fund, including interest earned on those amounts, shall be used 686  
by the department of commerce exclusively for grants under 687  
sections 188.01 to 188.77 of the Revised Code. 688

**Sec. 188.40.** The department of commerce, in consultation 689  
with the broadband expansion program authority, shall establish 690  
a weighted scoring system to evaluate and select applications 691  
for program grants. The scoring system shall be available on the 692  
department's web site at least thirty days before the beginning 693  
of the application submission period set by the department by 694  
rule. 695

**Sec. 188.41.** (A) The scoring system established under 696  
section 188.40 of the Revised Code shall prioritize 697  
applications, from highest to lowest weight, in the following 698  
order: 699

(1) Eligible projects for unserved areas, rather than tier 700  
one areas; 701

(2) Eligible projects located within distressed areas as 702  
defined under section 122.19 of the Revised Code; 703

(3) Eligible projects that are receiving or have been 704  
approved to receive any financial or in-kind contributions 705

towards the broadband funding gap identified in the application 706  
under division (A) (3) of section 188.20 of the Revised Code, 707  
including the amounts and proportions of the contributions; 708

(4) Eligible projects for which the proposed construction 709  
will utilize state rights-of-way or otherwise require attachment 710  
to, or use of, public facilities or conduit to provide tier two 711  
broadband service to an eligible project; 712

(5) Eligible projects based on proposed upstream and 713  
downstream speeds and the scalability of the tier two broadband 714  
service infrastructure proposed to be deployed to speeds higher 715  
than twenty-five megabits per second downstream and three 716  
megabits per second upstream; 717

(6) Eligible projects based on each of the following, in 718  
equal measure, without favoring one broadband provider over 719  
another: 720

(a) Demonstrated support, supported by evidence, for 721  
community and economic development efforts in, or adjacent to, 722  
the projects, including the provision of tier two broadband 723  
service to commercial and nonresidential entities as a result 724  
of, but not funded directly by, the program; 725

(b) The broadband provider's experience, technical 726  
ability, and financial capability in successfully deploying and 727  
providing tier two broadband service; 728

(c) The length of time the broadband provider has been 729  
providing tier two broadband service in the state; 730

(d) The extent to which funding is necessary to deploy 731  
tier two broadband service infrastructure in an economically 732  
feasible manner to the eligible project; 733

(e) The ability of the broadband provider to leverage nearby or adjacent tier one or tier two broadband service infrastructure to facilitate the proposed deployment and provision of tier two broadband service to the eligible project; 734  
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(f) If existing tier one or tier two broadband service infrastructure exists in the area of the eligible project, the extent to which the project utilizes or upgrades the existing tier one or tier two infrastructure, rather than duplicates it; 738  
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(g) The eligible projects' location within Ohio opportunity zones as defined under division (A) (2) of section 122.84 of the Revised Code. 742  
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(B) The department may include in the weighted scoring system any other factors it determines to be reasonable, appropriate, and consistent with the purpose of facilitating the economic deployment of tier two broadband service to unserved or tier one areas. The factors included under this division shall be considered after the weighted factors described in division (A) of this section. 745  
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**Sec. 188.43.** (A) The broadband expansion program authority shall award program grants under the Ohio residential broadband expansion grant program after reviewing applications sent to the authority by the department of commerce. Awards shall be granted after the authority scores applications based on the scoring system under sections 188.40 and 188.41 of the Revised Code. 752  
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(B) In awarding program grants, the authority shall consider all regulatory obligations under applicable law. The authority may not consider any of the following: 758  
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(1) Proposed project conditions that require open access networks or that establish a specific rate, service, or other 761  
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obligation not specified for the Ohio residential broadband expansion grant program; 763  
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(2) Factors that would constrain a broadband provider that receives a grant from offering or providing tier two broadband service in the same manner as the service is offered by broadband providers in other areas of the state without funding from the Ohio residential broadband expansion grant program. 765  
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(C) Upon making the program grant awards, the authority shall notify the broadband providers that submitted applications of the award decisions. The authority shall publish the program grant awards on the department of commerce's web site. 770  
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**Sec. 188.44.** After the broadband expansion program authority awards a program grant under section 188.43 of the Revised Code, the department of commerce shall disburse the program grant as follows: 774  
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(A) A portion of the program grant, not to exceed thirty per cent, shall be disbursed before construction of the project begins. 778  
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(B) A portion of the program grant, not to exceed sixty per cent, shall be disbursed through periodic payments over the course of construction of the eligible project as determined by the department by rules adopted under section 188.77 of the Revised Code. 781  
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(C) The remaining portion shall be disbursed not later than sixty days after the broadband provider notifies the authority that it has completed construction of the project. 786  
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**Sec. 188.45.** (A) The department of commerce may, through an independent third party, conduct speed verification tests of an eligible project that receives a program grant. Such tests 789  
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shall occur as follows: 792

(1) After the construction is complete, but prior to the 793  
final disbursement made under division (C) of section 188.44 of 794  
the Revised Code to verify that tier two broadband service is 795  
being offered; 796

(2) At any time during the reporting period required under 797  
division (B) of section 188.70 of the Revised Code, after 798  
receiving a complaint concerning a residence that is part of the 799  
eligible project. 800

(B) To evaluate compliance with tier two broadband service 801  
standards, speed verification tests conducted under this section 802  
shall be conducted on at least two different days and at two 803  
different times on each of those days. 804

(C) The department may withhold payments under this 805  
section for failure to meet at least the minimum speeds required 806  
under division (A) (8) of section 188.20 of the Revised Code. 807  
Payments may be held until such speeds are achieved. 808

**Sec. 188.46.** (A) If the department of commerce determines 809  
that a broadband provider that has been awarded a program grant 810  
under the Ohio residential broadband expansion grant program has 811  
not complied with the requirements of the program, the 812  
department shall notify the provider of the noncompliance. In 813  
accordance with rules adopted by the department under section 814  
188.77 of the Revised Code, the department shall give the 815  
provider an opportunity to explain or cure the noncompliance. 816

(B) After reviewing the broadband provider's explanation 817  
or effort to cure the noncompliance, the following shall apply: 818

(1) The department may require the provider to refund an 819  
amount equal to all, or a portion of, the amount of the program 820

grant awarded to the provider, as determined by the department. 821

(2) The department may require the broadband provider to 822  
refund to the appropriate municipal corporation, township, or 823  
county the entire amount of general revenue funds or other 824  
discretionary funds that it contributed toward the broadband 825  
funding gap under division (A) (3) (c) or (d) of section 188.20 of 826  
the Revised Code. 827

(C) Not more than thirty days after the department's 828  
decision requiring a refund for program noncompliance or a 829  
failure to explain or cure it, the broadband provider shall pay 830  
the refund required under division (B) of this section. Payments 831  
shall be made directly to the municipal corporation, township, 832  
or county that contributed funds toward the broadband funding 833  
gap. 834

**Sec. 188.50.** Upon adoption of a resolution, a board of 835  
county commissioners may request the department of commerce to 836  
solicit applications from broadband providers for program grants 837  
under the Ohio residential broadband expansion grant program for 838  
eligible projects in the municipal corporations and townships of 839  
the county. 840

A request made by a county shall identify, to the extent 841  
possible, the residential addresses in unserved or tier one 842  
areas of the county and provide a point of contact at the county 843  
and the municipal corporations and townships in which the 844  
addresses are located. The request may include any relevant 845  
information, documents, or materials that may be helpful for an 846  
application. 847

**Sec. 188.51.** Upon receipt of a request from a board of 848  
county commissioners pursuant to section 188.50 of the Revised 849

Code, the department of commerce shall solicit, on behalf of the 850  
county, applications for program grants for eligible projects 851  
under the Ohio residential broadband expansion grant program. 852  
Not later than seven days after receipt of the request, the 853  
department shall make the request, and any accompanying 854  
information submitted with the request, available for review on 855  
the department's web site. The request shall remain available on 856  
the web site for a period not to exceed two years. 857

Sec. 188.53. An application for a program grant under the 858  
Ohio residential broadband expansion grant program made in 859  
response to a request under section 188.50 of the Revised Code 860  
shall fully comply with all of the program requirements. Nothing 861  
in sections 188.50, 188.51, and 188.53 of the Revised Code shall 862  
be construed as providing relief from compliance with any 863  
program requirements. 864

Sec. 188.55. The department of commerce shall not be 865  
responsible for any failure by a broadband provider to respond 866  
to a request made by the department pursuant to section 188.51 867  
of the Revised Code or to submit an application for a program 868  
grant under the Ohio residential broadband expansion grant 869  
program. 870

Sec. 188.60. (A) An eligible project shall not proceed 871  
unless the broadband expansion program authority awards a 872  
program grant under section 188.43 of the Revised Code. 873

(B) After receiving a program grant award, the broadband 874  
provider shall construct and install last mile broadband 875  
infrastructure to the eligible project. 876

Sec. 188.61. Under alternate payment term arrangements 877  
made under section 188.25 of the Revised Code, unless otherwise 878

negotiated, the participating legislative authorities in which 879  
the eligible project is located shall assume all financial 880  
responsibility for all of the eligible project costs incurred by 881  
the broadband provider prior to completion of the project or the 882  
award of a program grant. 883

**Sec. 188.63.** (A) Nothing in sections 188.01 to 188.77 of 884  
the Revised Code entitles the state of Ohio, the department of 885  
commerce, the broadband expansion program authority, or any 886  
other governmental entity to any ownership or other rights to 887  
broadband infrastructure constructed by a broadband provider 888  
pursuant to a program grant awarded to an eligible project. 889

(B) Nothing in sections 188.01 to 188.77 of the Revised 890  
Code prevents an assignment, sale, change in ownership, or other 891  
similar transaction associated with broadband infrastructure 892  
constructed by a broadband provider pursuant to a program grant 893  
awarded to an eligible project. No assignment, sale, change in 894  
ownership, or other similar transaction relieves the successor 895  
of any obligation under sections 188.01 to 188.77 of the Revised 896  
Code. 897

**Sec. 188.70.** (A) Each broadband provider that receives a 898  
program grant shall submit to the department an annual progress 899  
report on the status of the deployment of the broadband network 900  
described in the eligible project for which the program grant 901  
award was made. 902

(B) The broadband provider shall submit an operational 903  
report with the department not later than sixty days after the 904  
completion of the project and annually thereafter for a period 905  
of four years. 906

**Sec. 188.71.** (A) The reports required under section 188.70 907



of the Revised Code and except as provided in section 188.75 of 908  
the Revised Code, all information and documents in them shall be 909  
in a format specified by the department of commerce and shall be 910  
publicly available on the department's web site. 911

(B) In each report, the broadband provider shall include 912  
an account of how program grant funds have been used and the 913  
project's progress toward fulfilling the objectives for which 914  
the program grant was awarded. The reports, at a minimum, shall 915  
include the following: 916

(1) The number of residences that have access to tier two 917  
broadband services as a result of the eligible project; 918

(2) The number of commercial and nonresidential entities 919  
that are not funded directly by the grant program but have 920  
access to tier two broadband service as a result of the eligible 921  
project; 922

(3) The upstream and downstream speed of the broadband 923  
service provided; 924

(4) The average price of broadband service; 925

(5) The number of broadband service subscriptions 926  
attributable to the program grant. 927

**Sec. 188.73.** The department of commerce may set a due date 928  
for the reports required under section 188.70 of the Revised 929  
Code and, for good cause shown, may grant extensions of the 930  
report due dates. 931

**Sec. 188.75.** Reports required under section 188.70 of the 932  
Revised Code, and all information and documents in them, shall 933  
be maintained on a confidential basis by the department of 934  
commerce and shall not be published on the department's web site 935

until the department determines what information or documents 936  
are not confidential pursuant to section 188.23 of the Revised 937  
Code. 938

**Sec. 188.76.** (A) The broadband expansion program authority 939  
shall complete an annual report for the Ohio residential 940  
broadband expansion grant program. The report shall evaluate the 941  
success of the program grants awarded under section 188.43 of 942  
the Revised Code in making tier two broadband services available 943  
to unserved and tier one areas. The report shall include the 944  
following information: 945

(1) The number of applications received; 946

(2) The number of applications that received program 947  
grants; 948

(3) The amount of broadband infrastructure constructed for 949  
eligible projects; 950

(4) The number of residences receiving, for that year, 951  
tier two broadband service for the first time under the program; 952

(5) Findings and recommendations that have been agreed to 953  
by a majority of the authority members. 954

(B) The report shall be published on the department of 955  
commerce's web site and shall be included as part of its annual 956  
report filed under section 121.18 of the Revised Code. The 957  
authority shall present the report annually to the governor and 958  
the general assembly not later than the first of December of 959  
each calendar year. 960

**Sec. 188.77.** (A) The department of commerce shall adopt 961  
rules for the Ohio residential broadband expansion grant 962  
program. The rules shall establish an application form and 963

application procedures for the program and procedures for 964  
periodic program grant disbursements. 965

(B) The rules may include the following: 966

(1) Requirements for a program application in addition to 967  
the requirements described in section 188.20 of the Revised 968  
Code; 969

(2) Procedures for and circumstances under which partial 970  
funding of applications is permitted; 971

(3) Procedures for broadband expansion program authority 972  
meetings, extension periods for applications and application 973  
challenges, hearings, and opportunities for public comment. 974

(C) The department may adopt rules and procedures to 975  
implement sections 188.51, 188.53, and 188.55 of the Revised 976  
Code. 977

(D) Rules adopted under this section are not subject to 978  
section 121.95 of the Revised Code. 979

(E) The department and the authority are not subject to 980  
division (F) of section 121.95 of the Revised Code regarding the 981  
development and adoption of rules pursuant to this section. 982

**Sec. 188.80.** As used in sections 188.80 to 188.91 of the 983  
Revised Code: 984

(A) "Broadband service" means any wholesale or retail 985  
service that consists of, or includes the provision of, 986  
connectivity to a high-speed, high-capacity transmission medium 987  
that can carry signals from or to multiple sources and that 988  
either provides access to the internet or provides computer 989  
processing, information storage, information content or protocol 990  
conversion, including any service applications or information 991

service provided over such high-speed access service. "Broadband service" includes video service, voice over internet protocol service, and internet protocol-enabled services. 992  
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(B) "Electric cooperative" has the same meaning as in section 4928.01 of the Revised Code. 995  
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(C) "Internet protocol-enabled services" and "voice over internet protocol service" have the same meanings as in section 4927.01 of the Revised Code. 997  
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(D) "Servient estate" means the land burdened by an easement. 1000  
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(E) "Video programming" means any programming generally considered comparable to programming provided by a television broadcast station. 1002  
1003  
1004

(F) "Video service" means video programming services without regard to delivery technology, including internet protocol technology and video programming provided as a part of a service that enables users to access content, information, electronic mail, or other services offered over the public internet. 1005  
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**Sec. 188.81.** An easement granted to an electric cooperative for purposes of transmitting, delivering, or otherwise providing electric power may be used, apportioned, or subleased to provide broadband service and such use, apportionment, or sublease shall not be considered an additional burden on the servient estate. 1011  
1012  
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1016

**Sec. 188.83.** (A) If the owner of the servient estate of an easement described in section 188.81 of the Revised Code brings an action regarding the use, apportionment, or sublease of the easement for broadband service, the court may award damages to 1017  
1018  
1019  
1020

the owner equal to not more than the difference between the 1021  
following: 1022

(1) The fair market value of the owner's interest in the 1023  
property of the estate immediately before the provision of 1024  
broadband service; 1025

(2) The fair market value of the owner's interest in the 1026  
property of the estate immediately after the provision of 1027  
broadband service. 1028

(B) Any damages awarded under division (A) of this section 1029  
shall be a fixed amount that shall not continue, accumulate, or 1030  
accrue. 1031

(C) The values described in division (A) of this section 1032  
shall be established by the testimony of a qualified real estate 1033  
appraiser. 1034

**Sec. 188.84.** The court may not grant injunctive relief or 1035  
any other equitable relief for an action described in section 1036  
188.83 of the Revised Code. 1037

**Sec. 188.85.** Actions described in section 188.83 of the 1038  
Revised Code shall be brought within one year of any alleged 1039  
damage described in that section. Any action not brought within 1040  
one year will result in forfeiture of that claim. 1041

**Sec. 188.87.** Past, current, or future revenues or profits 1042  
derived or to be derived from the use, apportionment, or 1043  
sublease of an easement for broadband service are not admissible 1044  
for any purpose in an action described in section 188.83 of the 1045  
Revised Code. 1046

**Sec. 188.88.** Any court determination regarding an easement 1047  
subject to an action described in section 188.83 of the Revised 1048

Code shall be considered a finding that the provision of 1049  
broadband service is an allowable use or purpose under the 1050  
easement as if the use or purpose was specifically stated in the 1051  
terms of the easement. 1052

**Sec. 188.89.** A court determination described in section 1053  
188.88 of the Revised Code shall be filed by the defendant in 1054  
the action with the county recorder of the county in which the 1055  
servient estate subject to the determination is located. The 1056  
recorder shall make a notation in the official record that links 1057  
the determination to the servient estate and the easement 1058  
subject to the determination. 1059

**Sec. 188.91.** The owner of a servient estate of an easement 1060  
described in section 188.81 of the Revised Code may not bring an 1061  
action described in section 188.83 of the Revised Code if any of 1062  
the following apply: 1063

(A) The owner, either directly or through the owner's 1064  
membership in the electric cooperative or otherwise, authorized 1065  
the electric cooperative's electric delivery system for the 1066  
provision of broadband services. 1067

(B) The owner, or any of the previous owners of the 1068  
property that makes up the servient estate, has agreed to, or 1069  
granted permission for, the use of the easement to provide 1070  
broadband service. 1071

(C) The facilities providing broadband service are used or 1072  
are capable of being used to assist in the transmission, 1073  
delivery, or use of electric service. 1074

**Sec. 188.93.** Sections 188.80 to 188.91 of the Revised Code 1075  
shall not be construed as expanding the authority of the state, 1076  
its agencies, or political subdivisions beyond the authority 1077

existing under federal law or the laws of this state. 1078

**Sec. 188.95.** Sections 163.01 to 163.22 of the Revised Code 1079  
do not apply regarding the application of sections 188.80 to 1080  
188.91 of the Revised Code. 1081

**Sec. 303.251.** (A) If a program grant is awarded for an 1082  
eligible project under sections 188.01 to 188.77 of the Revised 1083  
Code, the board of county commissioners of the county in which 1084  
the project is situated, by resolution, may levy a special 1085  
assessment upon residential property within the county for the 1086  
purpose of providing a contribution from the county towards the 1087  
funding gap for the eligible project. Assessments under this 1088  
section shall be levied only upon the residential property that 1089  
is subject to the eligible project. Before adopting the 1090  
resolution, the board shall send written notice to each affected 1091  
property owner stating the estimated assessment for that 1092  
property. If an owner objects to the stated estimated 1093  
assessment, the owner shall file a written objection with the 1094  
board not later than two weeks after the notice is mailed. The 1095  
board shall review the written objections and may revise the 1096  
estimated assessments before adopting the resolution. If the 1097  
property owner objects to the final assessment for the property 1098  
levied in the resolution, the owner may appeal the final 1099  
assessment under Chapter 2506. of the Revised Code. 1100

(B) The assessment shall be at a rate that will produce a 1101  
total assessment that is not more than the county's contribution 1102  
towards the funding gap for the eligible project as described in 1103  
the application under section 188.20 of the Revised Code. The 1104  
board shall certify the amount to be levied upon each affected 1105  
property to the county auditor, who shall enter the amount on 1106  
the tax duplicate for collection by the county treasurer in 1107

equal semiannual installments in the same manner and at the same 1108  
times as the collection of taxes on real property. Assessments 1109  
shall be paid by owners of the properties upon which assessments 1110  
are levied. 1111

(C) The assessments, when collected, shall be paid by the 1112  
county auditor by warrant on the county treasurer into a special 1113  
fund in the county treasury created for the purpose of funding 1114  
an eligible project for which a program grant is awarded under 1115  
sections 188.01 to 188.77 of the Revised Code and that is 1116  
located in the county. The board may expend moneys from the fund 1117  
only for the purposes for which the assessments were levied. 1118

**Sec. 505.881.** (A) If a program grant is awarded for an 1119  
eligible project under sections 188.01 to 188.77 of the Revised 1120  
Code, the board of township trustees in which the project is 1121  
situated, by resolution, may levy a special assessment upon 1122  
residential property within the township for the purpose of 1123  
providing a contribution from the township towards the broadband 1124  
funding gap for the eligible project. Assessments under this 1125  
section shall be levied only upon the residential property that 1126  
is subject to the eligible project. Before adopting the 1127  
resolution, the board shall send written notice to each affected 1128  
property owner stating the estimated assessment for that 1129  
property. If an owner objects to the stated estimated 1130  
assessment, the owner shall file a written objection with the 1131  
board not later than two weeks after the notice is mailed. The 1132  
board shall review the written objection and may revise the 1133  
estimated assessment before adopting the resolution. If the 1134  
property owner objects to the final assessment for the property 1135  
levied in the resolution, the owner may appeal the final 1136  
assessment under Chapter 2506. of the Revised Code. 1137



(B) The assessment shall be at a rate that will produce a 1138  
total assessment that is not more than the township's 1139  
contribution towards the funding gap for the eligible project as 1140  
described in the application under section 188.20 of the Revised 1141  
Code. The board shall certify the amount to be levied upon each 1142  
affected property to the county auditor, who shall enter the 1143  
amount on the tax duplicate for collection by the county 1144  
treasurer in equal semiannual installments in the same manner 1145  
and at the same times as the collection of taxes on real 1146  
property. Assessments shall be paid by owners of the properties 1147  
upon which assessments are levied. 1148

(C) The assessments, when collected, shall be paid by the 1149  
county auditor by warrant on the county treasurer into a special 1150  
fund in the township treasury created for the purpose of funding 1151  
an eligible project for which a program grant is awarded under 1152  
sections 188.01 to 188.77 of the Revised Code and that is 1153  
located in the township. The board may expend moneys from the 1154  
fund only for the purposes for which the assessments were 1155  
levied. 1156

**Sec. 727.01.** Each municipal corporation shall have special 1157  
power to levy and collect special assessments. The legislative 1158  
authority of a municipal corporation may assess upon the 1159  
abutting, adjacent, and contiguous, or other specially 1160  
benefited, lots or lands in the municipal corporation, any part 1161  
of the cost connected with the improvement of any street, alley, 1162  
dock, wharf, pier, public road, place, boulevard, parkway, or 1163  
park entrance or an easement of the municipal corporation 1164  
available for the purpose of the improvement to be made in it by 1165  
grading, draining, curbing, paving, repaving, repairing, 1166  
treating the surface with substances designed to lay the dust on 1167  
it or preserve it, constructing sidewalks, piers, wharves, 1168

docks, retaining walls, sewers, sewage disposal works and 1169  
treatment plants, sewage pumping stations, water treatment 1170  
plants, water pumping stations, reservoirs, and water storage 1171  
tanks or standpipes, together with the facilities and 1172  
appurtenances necessary and proper therefor, drains, storm-water 1173  
retention basins, watercourses, water mains, or laying of water 1174  
pipe, or the lighting, sprinkling, sweeping, or cleaning 1175  
thereof, or removing snow therefrom, any part of the cost and 1176  
expense of planting, maintaining, and removing shade trees 1177  
thereupon; any part of the cost of a voluntary action, as 1178  
defined in section 3746.01 of the Revised Code, undertaken 1179  
pursuant to Chapter 3746. of the Revised Code by a special 1180  
improvement district created under Chapter 1710. of the Revised 1181  
Code, including the cost of acquiring property with respect to 1182  
which the voluntary action is undertaken; any part of the cost 1183  
and expense of constructing, maintaining, repairing, cleaning, 1184  
and enclosing ditches; any part of the cost and expense of 1185  
operating, maintaining, and replacing heating and cooling 1186  
facilities for enclosed pedestrian canopies and malls; any part 1187  
of the cost and expense of acquiring and improving parking 1188  
facilities and structures for off-street parking of motor 1189  
vehicles or of acquiring land and improving it by clearing, 1190  
grading, draining, paving, lighting, erecting, constructing, and 1191  
equipping it for parking facilities and structures for off- 1192  
street parking of motor vehicles, to the extent authorized by 1193  
section 717.05 of the Revised Code, but only if no special 1194  
assessment made for the purpose of developing off-street parking 1195  
facilities and structures is levied against any land being used 1196  
solely for off-street parking or against any land used solely 1197  
for single or two-family dwellings; any part of the cost and 1198  
expense of operating and maintaining the off-street parking 1199  
facilities and structures; and any part of the cost connected 1200

with changing the channel of, or narrowing, widening, dredging, 1201  
deepening, or improving, any stream or watercourse, and for 1202  
constructing or improving any levees or boulevards on any stream 1203  
or watercourse, or along or about any stream or watercourse, 1204  
together with any retaining wall, riprap protection, bulkhead, 1205  
culverts, approaches, flood gates, waterways, or drains 1206  
incidental to any stream or watercourse, or for making any other 1207  
improvement of any river or lake front, whether it is privately 1208  
or publicly owned, which the legislative authority declares 1209  
conducive to the public health, convenience, or welfare. If a 1210  
program grant is awarded for an eligible project under sections 1211  
188.01 to 188.77 of the Revised Code, a municipal corporation 1212  
may levy, against dwellings that are subject to the project, a 1213  
special assessment for the purpose of providing a contribution 1214  
from the municipal corporation towards the funding gap for the 1215  
project. The assessment shall be at a rate that will produce a 1216  
total assessment that is not more than the municipal 1217  
corporation's contribution towards the funding gap for the 1218  
eligible project as described in the application under section 1219  
188.20 of the Revised Code. In addition, a municipal corporation 1220  
may levy a special assessment for public improvement or public 1221  
services plans of a district formed under Chapter 1710. of the 1222  
Revised Code, as provided in that chapter. Except as otherwise 1223  
provided in Chapter 1710. of the Revised Code, special 1224  
assessments may be levied by any of the following methods: 1225

    (A) By a percentage of the tax value of the property 1226  
assessed; 1227

    (B) In proportion to the benefits that may result from the 1228  
improvement; 1229

    (C) By the front foot of the property bounding and 1230

abutting upon the improvement. 1231

Sec. 4926.01. As used in sections 4926.01 to 4926.40 of 1232  
the Revised Code: 1233

(A) "Broadband facilitator" means an electric distribution 1234  
utility that applies to construct, and constructs, broadband 1235  
infrastructure to serve priority unserved areas but does not 1236  
offer or provide broadband service to retail customers. 1237

(B) "Broadband infrastructure" means any equipment, 1238  
facilities, electronics, property, and technology deployments 1239  
that are used for the purpose of providing access to and 1240  
transmitting broadband service. 1241

(C) (1) "Broadband provider" means an entity capable of 1242  
providing broadband service that is one of the following: 1243

(a) A video service provider as defined in section 1332.21 1244  
of the Revised Code; 1245

(b) A telecommunications service provider; 1246

(c) A satellite broadcasting service provider; 1247

(d) A wireless service provider as defined in section 1248  
4927.01 of the Revised Code. 1249

(2) "Broadband provider" excludes a governmental entity, 1250  
quasi-governmental entity, an electric distribution utility, a 1251  
broadband facilitator, and any affiliate of an electric 1252  
distribution utility or a broadband facilitator. 1253

(D) "Broadband service" means high-speed internet access 1254  
service capable of providing a minimum download speed of twenty- 1255  
five megabits per second and a minimum upload speed of three 1256  
megabits per second upstream. 1257

<u>(E) "Certified territory" has the same meaning as in</u>	1258
<u>section 4933.81 of the Revised Code.</u>	1259
<u>(F) "Electric cooperative" and "electric distribution</u>	1260
<u>utility" have the same meanings as in section 4928.01 of the</u>	1261
<u>Revised Code.</u>	1262
<u>(G) "Eligible project" means a project to offer or provide</u>	1263
<u>broadband service to retail customers in a priority unserved</u>	1264
<u>area.</u>	1265
<u>(H) "Last mile" means the portion of a physical broadband</u>	1266
<u>network, other than the broadband facilitator's broadband</u>	1267
<u>infrastructure, that connects an eligible project to the broader</u>	1268
<u>network used to provide broadband service. "Last mile" includes</u>	1269
<u>other network infrastructure such as pole attachments and make-</u>	1270
<u>ready work needed to provide broadband service to retail</u>	1271
<u>customers as part of an eligible project.</u>	1272
<u>(I) "Last mile investment costs" means investment costs</u>	1273
<u>approved under section 4926.20 of the Revised Code for pole</u>	1274
<u>attachments and make-ready work.</u>	1275
<u>(J) "Make-ready work" means, as determined by the nature</u>	1276
<u>of the work required, "make-ready," "complex make-ready," or</u>	1277
<u>"simple make-ready" as those terms are defined in 47 C.F.R.</u>	1278
<u>1.1402.</u>	1279
<u>(K) "Net cost" means costs for broadband infrastructure,</u>	1280
<u>including, but not limited to, a carrying charge on capital</u>	1281
<u>investments that reflects a broadband facilitator's weighted</u>	1282
<u>average cost of capital, depreciation, amortization, accretion,</u>	1283
<u>tax and expenses, plus operation and maintenance expenses, less</u>	1284
<u>any income generated by leasing broadband infrastructure</u>	1285
<u>constructed under sections 4926.01 to 4926.40 of the Revised</u>	1286

<u>Code.</u>	1287
<u>(L) "Priority unserved area" means an unserved area in one</u>	1288
<u>of the thirty-two counties within the Appalachian region of Ohio</u>	1289
<u>that ranks in the top four Ohio counties when considering the</u>	1290
<u>number of unserved customers in the county, the cost per</u>	1291
<u>customer of serving unserved areas in the county, and other</u>	1292
<u>factors as specified in rules adopted by the public utilities</u>	1293
<u>commission pursuant to section 4926.40 of the Revised Code.</u>	1294
<u>(M) "Satellite broadcasting service" has the same meaning</u>	1295
<u>as in section 5739.01 of the Revised Code.</u>	1296
<u>(N) "Telecommunications service" has the same meaning as</u>	1297
<u>in section 1332.21 of the Revised Code.</u>	1298
<u>(O) "Unserved area" means any area of the state in which</u>	1299
<u>internet access service capable of providing a minimum download</u>	1300
<u>speed of ten megabits per second and a minimum upload speed of</u>	1301
<u>one megabit per second is not available to potential retail</u>	1302
<u>customers located in the area.</u>	1303
<b><u>Sec. 4926.02.</u></b> It is the public policy of the state to:	1304
<u>(A) Facilitate the provision of broadband infrastructure</u>	1305
<u>under just and reasonable rates, terms, and conditions;</u>	1306
<u>(B) Facilitate the provision of broadband service in</u>	1307
<u>priority unserved areas in the state;</u>	1308
<u>(C) Provide access to broadband service to priority</u>	1309
<u>unserved areas of the state by facilitating the construction of</u>	1310
<u>broadband infrastructure;</u>	1311
<u>(D) Not unduly favor or advantage any broadband provider.</u>	1312
<b><u>Sec. 4926.03.</u></b> (A) Subject to sections 4926.04 to 4926.40	1313

of the Revised Code, a broadband facilitator may construct 1314  
broadband infrastructure in priority unserved areas that are 1315  
located inside of its certified territory or in the territory of 1316  
an electric cooperative or a municipal electric utility under an 1317  
agreement under section 4926.04 of the Revised Code. 1318

(B) Nothing in sections 4926.01 to 4926.40 of the Revised 1319  
Code authorizes a broadband facilitator to construct, own, or 1320  
operate broadband infrastructure to provide broadband service to 1321  
retail customers or to provide services as an internet service 1322  
provider or telecommunications service provider. 1323

**Sec. 4926.04.** (A) As part of its capacity as a broadband 1324  
facilitator, an electric distribution facility may enter into an 1325  
agreement with an electric cooperative or municipal electric 1326  
utility to construct broadband infrastructure in a priority 1327  
unserved area if the geographic area is served by the 1328  
cooperative or municipal electric utility and the geographic 1329  
area is adjacent to the electric distribution utility's 1330  
certified territory. An agreement pursuant to this section shall 1331  
be based on mutually accepted commercial terms and shall provide 1332  
for the full and timely recovery of the facilitator's net costs 1333  
associated with the construction of the infrastructure. 1334

(B) A cooperative or municipal electric utility shall 1335  
provide compensation to the facilitator as specified in the 1336  
terms of the agreement. 1337

(C) The electric distribution utility in its capacity as a 1338  
broadband facilitator shall file a copy of the agreement with 1339  
the public utilities commission for review and approval as part 1340  
of an application under section 4926.07 of the Revised Code. 1341

**Sec. 4926.05.** A broadband facilitator shall establish a 1342

written policy for constructing broadband infrastructure 1343  
pursuant to sections 4926.04 to 4926.40 of the Revised Code. The 1344  
policy shall be available to the public and shall include the 1345  
following: 1346

(A) Procedures for executing agreements entered under 1347  
section 4926.04 of the Revised Code; 1348

(B) The method for the full and timely recovery of the 1349  
facilitator's net costs associated with the construction of the 1350  
infrastructure; 1351

(C) Procedures for a nondiscriminatory competitive 1352  
selection process to select a qualified broadband provider as 1353  
part of the application process in sections 4926.10 and 4926.13 1354  
of the Revised Code; 1355

(D) A nondiscriminatory procedure for other providers to 1356  
request interconnection access to the infrastructure; 1357

(E) A list of any just and reasonable charges associated 1358  
with granting or leasing interconnection access and the 1359  
standards upon which those charges are calculated. 1360

**Sec. 4926.06.** (A) A broadband facilitator that constructs 1361  
broadband infrastructure pursuant to sections 4926.04 to 4926.40 1362  
of the Revised Code shall establish a nondiscriminatory 1363  
competitive selection process that at a minimum meets the 1364  
following requirements: 1365

(1) The facilitator shall submit a request for proposals 1366  
to select at least one broadband provider capable of completing 1367  
the last mile to an eligible project; 1368

(2) If no providers respond to the request for proposals 1369  
submitted under division (A) of this section, the facilitator 1370



may submit a second request for proposals that includes proposed 1371  
funding for up to fifty per cent of the last mile investment 1372  
associated with completing the last mile for an eligible 1373  
project. 1374

(3) A provider participating in the competitive selection 1375  
process under this section demonstrates all of the following: 1376

(a) Extensive experience, technical ability, and financial 1377  
capability to successfully deploy broadband service in the 1378  
priority unserved area; 1379

(b) The length of time the provider has been providing 1380  
broadband service in the state; 1381

(c) The ability of the provider to leverage nearby or 1382  
adjacent broadband infrastructure to facilitate the completion 1383  
of the last mile of the eligible project. 1384

(B) The public utilities commission shall review the 1385  
competitive selection process as part of an application under 1386  
section 4926.07 of the Revised Code. The commission shall 1387  
confirm that the process was conducted prudently and achieved a 1388  
reasonable competitive result. 1389

**Sec. 4926.07.** (A) A broadband facilitator shall file an 1390  
application with the public utilities commission for approval of 1391  
broadband infrastructure construction before constructing the 1392  
infrastructure in a priority unserved area of the facilitator's 1393  
certified territory. 1394

(B) A facilitator shall not file an application under this 1395  
section unless the facilitator has selected at least one 1396  
broadband provider to complete the last mile for the 1397  
infrastructure described in the application. 1398

Sec. 4926.09. An application filed under section 4926.07 1399  
of the Revised Code shall be filed on a form prescribed by the 1400  
public utilities commission. 1401

Sec. 4926.10. An application filed by a broadband 1402  
facilitator under section 4926.07 of the Revised Code shall 1403  
include all of the following: 1404

(A) The location and a detailed description of the 1405  
priority unserved area in which the broadband infrastructure 1406  
will be constructed; 1407

(B) The number of new customers that are expected to have 1408  
access to broadband service after the infrastructure is 1409  
constructed; 1410

(C) The incremental benefits, including any economic 1411  
development benefits, that are attributable to the construction 1412  
of the infrastructure; 1413

(D) The estimated cost of the infrastructure; 1414

(E) The estimated time to construct the infrastructure; 1415

(F) Whether the application includes proposed funding for 1416  
last mile investment pursuant to a competitive selection process 1417  
for a broadband provider held under division (A)(2) of section 1418  
4926.06 of the Revised Code; 1419

(G) Any information the facilitator received from the 1420  
provider selected under the competitive selection process 1421  
pursuant to section 4926.06 of the Revised Code and any updates 1422  
to that information. 1423

(H) A copy of the agreement entered into by the 1424  
facilitator and at least one provider following a competitive 1425  
selection process held under section 4926.06 of the Revised Code 1426

and in which the provider commits to completing the last mile 1427  
related to the eligible project and offering retail broadband 1428  
service in the priority unserved area within eighteen months 1429  
after the infrastructure is constructed; 1430

(I) A copy of the facilitator's policy established under 1431  
section 4926.05 of the Revised Code; 1432

(J) A copy of any agreement entered into under section 1433  
4926.04 of the Revised Code. 1434

**Sec. 4926.13.** (A) The public utilities commission may 1435  
approve an application filed under section 4926.07 of the 1436  
Revised Code if, upon review of the application and determining 1437  
the application is complete, the commission does all of the 1438  
following: 1439

(1) Finds that the area in which the broadband facilitator 1440  
proposes to construct broadband infrastructure qualifies as a 1441  
priority unserved area; 1442

(2) Determines that the application is not in violation of 1443  
section 4926.15 of the Revised Code; 1444

(3) Finds, after reviewing the facilitator's estimated 1445  
costs to construct the infrastructure, that the costs are just 1446  
and reasonable; 1447

(4) Finds, after reviewing the facilitator's estimated 1448  
benefits or conducting its own review, that there are 1449  
incremental benefits, including economic development benefits, 1450  
attributable to the construction of the infrastructure; 1451

(5) Finds that the infrastructure does not duplicate or 1452  
overlap with infrastructure previously approved under this 1453  
section. 1454

(6) Finds that the infrastructure does not duplicate or overlap with federal funding under the connect America funds or the rural digital opportunity fund; 1455  
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(7) Determines whether the facilitator's competitive selection process under section 4926.06 of the Revised Code was conducted prudently and achieved a reasonable, competitive result. 1458  
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(B) An application approved under this section shall be in the form of an order of the commission, which order shall supersede any conflicting or otherwise applicable tariff or schedule for broadband infrastructure or last mile investments in a previous order. 1462  
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(C) The commission shall deny the application if any of the following apply: 1467  
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(1) The application is incomplete. 1469

(2) The commission is unable to make the findings and determinations required under this section. 1470  
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(3) The commission determines that the capital investment associated with the eligible project described in the application exceeds two million five hundred thousand dollars, provided that the capital investment does not include the facilitator's operation and maintenance expenses associated with the capital investment in the infrastructure, total future revenue requirement collections of the facilitator under section 4926.21 of the Revised Code, or last mile funding for a broadband provider. 1472  
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**Sec. 4926.15.** No broadband facilitator may construct broadband infrastructure in a geographic area in which a broadband provider has been awarded a program grant under the 1481  
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Ohio residential broadband expansion grant program under 1484  
sections 188.40 to 188.44 of the Revised Code unless the 1485  
provider that receives the program grant does not construct the 1486  
project for which the program grant was awarded. 1487

Sec. 4926.16. Within one hundred eighty days after a 1488  
broadband facilitator submits an application to the public 1489  
utilities commission under section 4926.07 of the Revised Code, 1490  
the commission shall approve or deny the application. 1491

Sec. 4926.20. (A) Except as provided in division (B) of 1492  
this section and pursuant to an application approved under 1493  
section 4926.13 of the Revised Code, the public utilities 1494  
commission shall approve a rate mechanism that allows an 1495  
electric distribution utility to fully and timely recover the 1496  
following from its retail electric service customers: 1497

(1) The net costs incurred by a broadband facilitator to 1498  
construct, own, and maintain broadband infrastructure, which 1499  
shall reflect a credit for any revenues recovered pursuant to an 1500  
agreement under section 4926.04 of the Revised Code; 1501

(2) Up to fifty per cent of any last mile investment costs 1502  
as approved in the application. 1503

(B) The commission shall not approve the rate mechanism 1504  
described in division (A) of this section if the commission 1505  
determines that the mechanism will result in a double recovery 1506  
of any costs by the electric distribution utility. If the 1507  
commission disapproves a rate mechanism pursuant to this 1508  
division, the commission may subsequently approve a revised rate 1509  
mechanism if the double recovery is cured. 1510

Sec. 4926.21. A rate mechanism approved by the public 1511  
utilities commission under section 4926.20 of the Revised Code 1512

shall do the following: 1513

(A) Fully and timely recover net costs related to 1514  
broadband infrastructure, if the costs are prudently incurred, 1515  
which shall reflect a credit for any revenues recovered pursuant 1516  
to an agreement under section 4926.04 of the Revised Code; 1517

(B) Fully and timely recover last mile investment costs as 1518  
specified by the commission; 1519

(C) Fully and timely recover the costs described in 1520  
division (A) and (B) of this section, authorize a monthly 1521  
charge, including deferrals, that does not exceed one dollar per 1522  
customer per month for residential customers and does not exceed 1523  
five dollars and fifty cents per customer per month for 1524  
nonresidential customers. 1525

**Sec. 4926.26.** An existing rate mechanism previously 1526  
authorized by the public utilities commission may be used as the 1527  
mechanism under section 4926.20 of the Revised Code, if the 1528  
existing mechanism will continue to exist for the full term of 1529  
the cost recovery for broadband infrastructure and any last mile 1530  
investment costs. The commission shall determine whether the 1531  
existing rate mechanism is suitable for the infrastructure cost 1532  
recovery. A surcharge previously approved for an electric 1533  
distribution utility under division (B)(2)(h) of section 1534  
4928.143 of the Revised Code may be considered a suitable rate 1535  
mechanism under this section. 1536

**Sec. 4926.27.** If the public utilities commission, under 1537  
section 4926.26 of the Revised Code, authorizes the use of an 1538  
existing rate mechanism, and that mechanism subsequently expires 1539  
or is terminated before the broadband infrastructure costs or 1540  
last mile investment costs approved under section 4926.20 of the 1541

Revised Code, if any, are fully recovered, the commission, in a 1542  
timely manner, shall establish a new rate mechanism under 1543  
section 4926.20 of the Revised Code to ensure uninterrupted full 1544  
and timely recovery of those approved infrastructure costs and 1545  
last mile investment costs. 1546

Sec. 4926.29. (A) The public utilities commission annually 1547  
shall review and update the rates charged under a rate mechanism 1548  
established under section 4926.20 of the Revised Code until an 1549  
electric distribution utility's approved net costs and any 1550  
approved last mile investment costs are fully recovered. 1551

(B) In the annual rate review, the commission shall 1552  
include the approved broadband infrastructure net costs and any 1553  
approved last mile investment costs for the year under review. 1554

Sec. 4926.31. Recovery of approved costs related to 1555  
broadband infrastructure and any approved last mile investment 1556  
costs under sections 4926.20 to 4926.29 of the Revised Code are 1557  
not subject to Chapter 4909. of the Revised Code or the earnings 1558  
test under division (F) of section 4928.143 of the Revised Code. 1559

Sec. 4926.311. A broadband facilitator that constructs 1560  
broadband infrastructure pursuant to an application approved 1561  
under section 4926.13 of the Revised Code shall not, after the 1562  
infrastructure is constructed, sell or transfer the 1563  
infrastructure to an affiliate of an electric distribution 1564  
utility. 1565

Sec. 4926.33. An electric distribution utility acting as a 1566  
broadband facilitator with an application approved under section 1567  
4926.13 of the Revised Code for an eligible project shall 1568  
request or receive from a telecommunications service provider or 1569  
a video service provider a reduced per pole rental rate, with 1570

the reduced rate to be determined by the public utilities 1571  
commission, for attachments to any pole in a county where an 1572  
eligible project is approved for a priority unserved area. The 1573  
electric distribution utility acting as a facilitator shall 1574  
fully and timely recover through an approved rate mechanism the 1575  
revenue difference between the reduced pole rental tariff rate 1576  
approved by the commission and the rate that would otherwise 1577  
apply to such attachments, either in a pending or future rate 1578  
proceeding under section 4909.18 of the Revised Code or another 1579  
appropriate rate proceeding as determined by the commission. The 1580  
electric distribution utility acting as a facilitator shall 1581  
apply to the commission for any amendment to its pole attachment 1582  
tariff necessary to implement this section. 1583

**Sec. 4926.35.** A broadband provider may request 1584  
interconnection access to broadband infrastructure constructed 1585  
by a broadband facilitator pursuant to an application approved 1586  
under section 4926.13 of the Revised Code. 1587

**Sec. 4926.36.** (A) Not later than thirty days after receipt 1588  
of a request for interconnection access to broadband 1589  
infrastructure constructed pursuant to an application approved 1590  
under section 4926.13 of the Revised Code, a broadband 1591  
facilitator shall grant access to the broadband provider. Access 1592  
may be granted only if the provider commits in writing to 1593  
offering broadband service. In the agreement, the facilitator 1594  
may condition the provider's access based on either of the 1595  
following: 1596

(1) Infrastructure space availability; 1597

(2) The provider's compliance with applicable engineering 1598  
and construction standards and administrative procedures; 1599



(B) A broadband facilitator that constructs broadband 1600  
infrastructure pursuant to sections 4926.04 to 4926.40 of the 1601  
Revised Code shall not charge any broadband provider for 1602  
interconnecting with the broadband infrastructure for the 1603  
purpose of either deploying last mile facilities to offer 1604  
broadband service to unserved retail customers or transmitting 1605  
the broadband service in the priority unserved area of an 1606  
eligible project. 1607

Sec. 4926.37. The thirty-day period described in section 1608  
4926.36 of the Revised Code does not apply if a broadband 1609  
facilitator, including the facilitator's representative or 1610  
agent, has more than one hundred interconnection requests 1611  
pending at the time that the request is made. 1612

Sec. 4926.38. A broadband facilitator may suspend 1613  
broadband interconnection access granted to a broadband provider 1614  
that defaults on payment of the facilitator's charges. 1615

Sec. 4926.39. A broadband provider shall not be 1616  
responsible for costs of any kind, including pole replacement, 1617  
transfer, or relocation or make-ready costs, if the broadband 1618  
facilitator requests or requires payment for such costs in order 1619  
to make room for or otherwise permit broadband infrastructure 1620  
construction pursuant to an application approved under section 1621  
4926.13 of the Revised Code. Any pole replaced in order to 1622  
construct the broadband infrastructure shall remain the property 1623  
of the owner of the pole that was replaced. 1624

Sec. 4926.40. Not later than one hundred twenty days after 1625  
the effective date of this section, the public utilities 1626  
commission shall adopt rules to implement sections 4926.01 to 1627  
4926.40 of the Revised Code. 1628

Sec. 4926.50. As used in sections 4926.50 to 4926.95 of 1629  
the Revised Code: 1630

"Attachment" means any wire, wireless facility, cable, 1631  
antennae facility, or apparatus for the transmission of text, 1632  
signs, signals, pictures, sounds, or other forms of information 1633  
installed by or on behalf of a provider upon any pole owned or 1634  
controlled, in whole or in part, by one or more electric 1635  
cooperatives. 1636

"Broadband provider" has the same meaning as in section 1637  
188.01 of the Revised Code. 1638

"Electric cooperative" has the same meaning as in section 1639  
4928.01 of the Revised Code. 1640

"Incremental cost" means pole attachment costs incurred by 1641  
an electric cooperative for providing long-run service. 1642

"Make-ready work" has the same meaning as in section 1643  
4926.01 of the Revised Code. 1644

"Provider" means a broadband provider, telecommunications 1645  
service provider, video service provider, or wireless service 1646  
provider. 1647

"Telecommunications service provider" means a provider of 1648  
"telecommunications service" as defined in section 4927.01 of 1649  
the Revised Code. 1650

"Video service provider" has the same meaning as in 1651  
section 1332.21 of the Revised Code. 1652

"Wireless service provider" has the same meaning as in 1653  
section 4927.01 of the Revised Code. 1654

Sec. 4926.51. On the request of a provider, an electric 1655

cooperative shall grant the provider nondiscriminatory access to 1656  
the cooperative's poles under just and reasonable rates, terms, 1657  
and conditions for their attachments in accordance with sections 1658  
4926.52 to 4926.72 of the Revised Code. 1659

Sec. 4926.52. A provider requesting access to an electric 1660  
cooperative's poles shall submit the request in writing, and the 1661  
cooperative shall review the request under a uniformly applied, 1662  
efficient, and transparent process. 1663

Sec. 4926.54. An electric cooperative may require a 1664  
provider to execute an agreement for a pole attachment under 1665  
nondiscriminatory, just, and reasonable rates, terms, and 1666  
conditions in accordance with sections 4926.52 to 4926.72 of the 1667  
Revised Code if the cooperative requires all other attaching 1668  
parties to execute such an agreement. 1669

Sec. 4926.56. After receiving a request for access, an 1670  
electric cooperative shall grant or deny access within the time 1671  
frame established by the federal communications commission. 1672

Sec. 4926.58. An electric cooperative may deny a provider 1673  
access to its poles for either of the following reasons if the 1674  
reasons are applied on a nondiscriminatory basis: 1675

(A) Insufficient capacity; 1676

(B) Safety, reliability, or generally applicable 1677  
engineering standards. 1678

Sec. 4926.60. If an electric cooperative denies an access 1679  
request submitted under section 4926.58 of the Revised Code, the 1680  
cooperative must confirm the denial in writing. The denial shall 1681  
be specific and shall include all relevant evidence and 1682  
information supporting the denial and an explanation of how that 1683  
evidence and information relates to the factors described in 1684

section 4926.58 of the Revised Code on which the denial is 1685  
based. 1686

Sec. 4926.63. (A) A provider and an electric cooperative 1687  
shall comply with the process for make-ready work under 47 1688  
U.S.C. 224 and the federal communications commission orders and 1689  
regulations implementing that section. 1690

(B) The cooperative shall provide a good-faith estimate 1691  
for any make-ready work, which shall include pole replacement if 1692  
necessary. All make-ready costs shall be based on the 1693  
cooperative's actual costs not recovered through the annual 1694  
recurring attachment rate. The cooperative shall provide 1695  
detailed documentation of the actual costs. 1696

(C) A cooperative that charges an annual recurring 1697  
attachment fee shall establish the fee in accordance with the 1698  
cable pole attachment rate formula established in 47 U.S.C. 1699  
224(d) and commission orders and regulations implementing that 1700  
formula. 1701

Sec. 4926.64. The attachment of facilities on the poles of 1702  
an electric cooperative by a provider shall comply with the 1703  
following: 1704

(A) The most recent, applicable, nondiscriminatory safety 1705  
and reliability standards adopted by the cooperative; 1706

(B) The national electric safety code adopted by the 1707  
institute of electrical and electronics engineers in effect on 1708  
the date of the attachment. 1709

Sec. 4926.65. Nothing in sections 4926.50 to 4926.95 of 1710  
the Revised Code affects a provider or other attaching party's 1711  
obligation to obtain any necessary authorization before 1712  
occupying public ways or private rights-of-way with its 1713

attachment. 1714

Sec. 4926.70. If an electric cooperative's pole facility 1715  
is modified, a party with a preexisting attachment to the 1716  
modified facility is considered to directly benefit from a 1717  
modification if, after receiving notification of the 1718  
modification, the party adds to or modifies its attachment. 1719

Sec. 4926.71. (A) If an electric cooperative's pole 1720  
facility is modified, all parties that obtain access to the 1721  
facility as a result of the modification and all parties that 1722  
directly benefit from the modification shall share 1723  
proportionately in the cost of the modification. 1724

(B) If a party makes an attachment to the facility after 1725  
the completion of the modification, the party shall share 1726  
proportionately in the costs of the modification if that 1727  
modification rendered the added attachment possible. 1728

Sec. 4926.72. Unless a modification by an electric 1729  
cooperative is necessary for an electric service that uses smart 1730  
grid or other technology, a party with a preexisting attachment 1731  
to a pole is not required to bear any of the costs of 1732  
rearranging or replacing its attachment if the rearrangement or 1733  
replacement is necessary because of another party's request for 1734  
an additional attachment or a modification of an existing 1735  
attachment. 1736

Sec. 4926.85. An electric cooperative or a provider may 1737  
file a complaint regarding pole attachment disputes with respect 1738  
to sections 4926.50 to 4926.95 of the Revised Code with the 1739  
court of commons pleas of the county in which the cooperative's 1740  
Ohio headquarters is located. 1741

Sec. 4926.86. The court of common pleas of the county in 1742

which an electric cooperative's Ohio headquarters is located has 1743  
jurisdiction to hear complaints and to grant remedies with 1744  
respect to sections 4926.50 to 4926.95 of the Revised Code 1745  
regarding attachment disputes for which a complaint is filed. 1746

**Sec. 4926.88.** Before a court of common pleas may order any 1747  
remedy under section 4926.93 of the Revised Code regarding a 1748  
pole attachment complaint filed with respect to section 4926.50 1749  
to 4926.95 of the Revised Code, the court shall determine, and a 1750  
complainant shall establish, by a preponderance of the evidence, 1751  
both of the following: 1752

(A) Whether any rate, term, or condition complained of is 1753  
not just and reasonable or a denial of access was unlawful. 1754

(B) Whether one of the following occurs on or after the 1755  
effective date of this section: 1756

(1) Any rate, term, or condition described in the 1757  
complaint is contained in a new pole attachment agreement or in 1758  
a previously existing pole attachment agreement that is amended, 1759  
renewed, or replaced by executing a new agreement; 1760

(2) There has been an unreasonable denial of access or 1761  
unreasonable refusal to enter into a new, amended, renewed, or 1762  
replacement pole attachment agreement. 1763

**Sec. 4926.90.** (A) The complainant under section 4926.85 of 1764  
the Revised Code has the burden of establishing a prima facie 1765  
case that the rate, term, or condition complained of is not just 1766  
and reasonable or that the denial of access was unlawful. 1767

(B) In a case involving a denial of access, the electric 1768  
cooperative has the burden of establishing, by a preponderance 1769  
of the evidence, that the denial was lawful, once a prima facie 1770  
case is established by the complainant. 1771

Sec. 4926.91. In a complaint filed under section 4926.85 1772  
of the Revised Code, if an electric cooperative claims that the 1773  
proposed rate is lower than its incremental costs, the 1774  
cooperative has the burden of establishing, by a preponderance 1775  
of the evidence, its incremental costs. 1776

Sec. 4926.92. In a complaint filed under section 4926.85 1777  
of the Revised Code, there is a rebuttable presumption that the 1778  
charged rate is just and reasonable, if the electric cooperative 1779  
can show that its charged rate does not exceed an annual 1780  
recurring attachment rate calculated in accordance with the 1781  
cable pole attachment rate formula in 47 U.S.C. 224(d) and 1782  
federal communications commission orders and regulations 1783  
implementing that formula. 1784

Sec. 4926.93. (A) If, pursuant to a complaint filed under 1785  
section 4926.85 of the Revised Code, a court of common pleas 1786  
determines that any rate, term, or condition described in the 1787  
complaint is not just and reasonable, it may do, but is not 1788  
limited to doing, any of the following: 1789

(1) Terminate the rate, term, or condition and prescribe a 1790  
just and reasonable rate, term, or condition; 1791

(2) Require entry into a pole attachment agreement on just 1792  
and reasonable rates, terms, and conditions; 1793

(3) Require access to poles as provided under sections 1794  
4926.52 to 4926.72 of the Revised Code; 1795

(4) Substitute in the pole attachment agreement the just 1796  
and reasonable rate, term, or condition established by the 1797  
court; 1798

(5) Order a refund or payment, as appropriate. 1799

(B) A refund or payment ordered under this section may not 1800  
exceed the difference between the actual amount paid under the 1801  
unjust and unreasonable rate, term, or condition and the amount 1802  
that would have been paid under the rate, term, or condition 1803  
established by the court for the period described in the 1804  
complaint, provided that the period during which refunds or 1805  
payments are made does not exceed two years. 1806

Sec. 4926.95. A court of common pleas determination 1807  
resolving a complaint under sections 4926.85 to 4926.93 of the 1808  
Revised Code shall be issued in the form of a final appealable 1809  
order. 1810

**Sec. 4928.17.** (A) Except as otherwise provided in sections 1811  
4928.142 or 4928.143 or 4928.31 to 4928.40 of the Revised Code 1812  
and beginning on the starting date of competitive retail 1813  
electric service, no electric utility shall engage in this 1814  
state, either directly or through an affiliate, in the 1815  
businesses of supplying a noncompetitive retail electric service 1816  
and supplying a competitive retail electric service, or in the 1817  
businesses of supplying a noncompetitive retail electric service 1818  
and supplying a product or service other than retail electric 1819  
service, unless the utility implements and operates under a 1820  
corporate separation plan that is approved by the public 1821  
utilities commission under this section, is consistent with the 1822  
policy specified in section 4928.02 of the Revised Code, and 1823  
achieves all of the following: 1824

(1) The plan provides, at minimum, for the provision of 1825  
the competitive retail electric service or the nonelectric 1826  
product or service through a fully separated affiliate of the 1827  
utility, and the plan includes separate accounting requirements, 1828  
the code of conduct as ordered by the commission pursuant to a 1829



rule it shall adopt under division (A) of section 4928.06 of the Revised Code, and such other measures as are necessary to effectuate the policy specified in section 4928.02 of the Revised Code.

(2) The plan satisfies the public interest in preventing unfair competitive advantage and preventing the abuse of market power.

(3) The plan is sufficient to ensure that the utility will not extend any undue preference or advantage to any affiliate, division, or part of its own business engaged in the business of supplying the competitive retail electric service or nonelectric product or service, including, but not limited to, utility resources such as trucks, tools, office equipment, office space, supplies, customer and marketing information, advertising, billing and mailing systems, personnel, and training, without compensation based upon fully loaded embedded costs charged to the affiliate; and to ensure that any such affiliate, division, or part will not receive undue preference or advantage from any affiliate, division, or part of the business engaged in business of supplying the noncompetitive retail electric service. No such utility, affiliate, division, or part shall extend such undue preference. Notwithstanding any other division of this section, a utility's obligation under division (A) (3) of this section shall be effective January 1, 2000.

(B) The commission may approve, modify and approve, or disapprove a corporate separation plan filed with the commission under division (A) of this section. As part of the code of conduct required under division (A) (1) of this section, the commission shall adopt rules pursuant to division (A) of section 4928.06 of the Revised Code regarding corporate separation and

procedures for plan filing and approval. The rules shall include 1860  
limitations on affiliate practices solely for the purpose of 1861  
maintaining a separation of the affiliate's business from the 1862  
business of the utility to prevent unfair competitive advantage 1863  
by virtue of that relationship. The rules also shall include an 1864  
opportunity for any person having a real and substantial 1865  
interest in the corporate separation plan to file specific 1866  
objections to the plan and propose specific responses to issues 1867  
raised in the objections, which objections and responses the 1868  
commission shall address in its final order. Prior to commission 1869  
approval of the plan, the commission shall afford a hearing upon 1870  
those aspects of the plan that the commission determines 1871  
reasonably require a hearing. The commission may reject and 1872  
require refiling of a substantially inadequate plan under this 1873  
section. 1874

(C) The commission shall issue an order approving or 1875  
modifying and approving a corporate separation plan under this 1876  
section, to be effective on the date specified in the order, 1877  
only upon findings that the plan reasonably complies with the 1878  
requirements of division (A) of this section and will provide 1879  
for ongoing compliance with the policy specified in section 1880  
4928.02 of the Revised Code. However, for good cause shown, the 1881  
commission may issue an order approving or modifying and 1882  
approving a corporate separation plan under this section that 1883  
does not comply with division (A)(1) of this section but 1884  
complies with such functional separation requirements as the 1885  
commission authorizes to apply for an interim period prescribed 1886  
in the order, upon a finding that such alternative plan will 1887  
provide for ongoing compliance with the policy specified in 1888  
section 4928.02 of the Revised Code. 1889

(D) Any party may seek an amendment to a corporate 1890



C 5WV0	800411	Residential Broadband Expansion Grants	\$	0	\$	20,000,000
D TOTAL FCE	Facilities Establishment Fund Group		\$	0	\$	20,000,000
E TOTAL ALL BUDGET FUND GROUPS			\$	0	\$	20,000,000

RESIDENTIAL BROADBAND EXPANSION GRANTS 1914

Notwithstanding Chapter 166. of the Revised Code, the 1915  
foregoing appropriation item 800411, Residential Broadband 1916  
Expansion Grants, shall be used for grants under the Ohio 1917  
Residential Broadband Expansion Grant Program established in 1918  
section 188.03 of the Revised Code. 1919

On July 1, 2020, or as soon as possible thereafter, the 1920  
Director of Budget and Management shall transfer \$20,000,000 1921  
cash from the Facilities Establishment Fund (Fund 7037) to the 1922  
Ohio Residential Broadband Expansion Grant Program Fund (Fund 1923  
5WV0). 1924

**Section 4.** Within the limits set forth in this act, the 1925  
Director of Budget and Management shall establish accounts 1926  
indicating the source and amount of funds for each appropriation 1927  
made in this act, and shall determine the form and manner in 1928  
which appropriation accounts shall be maintained. Expenditures 1929  
from appropriations contained in this act shall be accounted for 1930  
as though made in H.B. 166 of the 133rd General Assembly. 1931

The appropriations made in this act are subject to all 1932  
provisions of H.B. 166 of the 133rd General Assembly that are 1933  
generally applicable to such appropriations. 1934

**Section 5.** That sections 4926.01, 4926.03, 4926.04, 1935

4926.05, 4926.06, 4926.07, 4926.09, 4926.10, 4926.13, 4926.15, 1936  
4926.16, 4926.20, 4926.21, 4926.26, 4926.27, 4926.29, 4926.31, 1937  
4926.33, 4926.35, 4926.36, 4926.37, 4926.38, 4926.39, and 1938  
4926.40 of the Revised Code are hereby repealed, effective on 1939  
the date that is three years after the effective date of this 1940  
act. 1941

**Section 6.** Any net costs or last mile investment costs 1942  
that the Public Utilities Commission approves for recovery by an 1943  
electric distribution utility under section 4926.20 of the 1944  
Revised Code but that has not yet been recovered by the electric 1945  
distribution utility as of the effective date of the repeal of 1946  
sections 4926.20 to 4926.31 of the Revised Code by this act may 1947  
continue to be recovered according to the provisions of sections 1948  
4926.20 to 4926.31 of the Revised Code as those sections existed 1949  
before their repeal. 1950

**Section 7.** (A) Not later than the date that is three and 1951  
one-half years after the effective date of this act, each 1952  
electric distribution utility that has had an application 1953  
approved under section 4926.13 of the Revised Code shall file a 1954  
report with the public utilities commission that includes all of 1955  
the following: 1956

(1) The number of applications the electric distribution 1957  
utility filed with the public utilities commission pursuant to 1958  
section 4926.07 of the Revised Code during the three-year period 1959  
after the effective date of this act; 1960

(2) A description identifying the priority unserved areas 1961  
in the electric distribution utility's certified territory; 1962

(3) A summary of each application approved by the public 1963  
utilities commission under section 4926.13 of the Revised Code 1964

that includes a description of each priority unserved area, the 1965  
construction status of the project, and the broadband 1966  
facilitator's costs for the project; 1967

(4) The number of broadband providers with which the 1968  
broadband facilitator contracted to complete the last mile; 1969

(5) The total net costs for the electric distribution 1970  
utility as approved by the public utilities commission; 1971

(6) The total last mile investment costs for the electric 1972  
distribution utility as approved by the public utilities 1973  
commission; 1974

(7) The percentage of total net costs and last mile 1975  
investment costs recovered through the rate mechanisms approved 1976  
by the public utilities commission pursuant to section 4926.20 1977  
of the Revised Code; 1978

(8) The number of new retail customers with access to 1979  
broadband service at the time of the report as a result of the 1980  
approved construction applications. 1981

(B) (1) The commission shall submit the reports to the 1982  
Speaker of the House of Representatives, the President of the 1983  
Senate, and the standing committees of the House of 1984  
Representatives and the Senate that primarily deal with 1985  
broadband issues. The commission also shall submit the report to 1986  
the Broadband Ohio Office and to the Broadband Expansion Program 1987  
Authority to assist the Authority in its duties under section 1988  
188.08 of the Revised Code. 1989

(2) To meet the requirements of division (B) (1) of this 1990  
section, the commission may combine into one report the reports 1991  
filed under this section by different electric distribution 1992  
utilities provided that the electric distribution utility 1993

reports are included in their entirety.

1994