



COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Utilities, to which was referred Senate Bill No. 377, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 4-4-38.5-9, AS ADDED BY P.L.189-2019,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 9. (a) The office shall establish procedures for the
6 awarding of grants from the fund after July 31, 2019, by state agencies
7 to eligible broadband service providers for eligible broadband projects.
8 (b) The procedures established under this section must establish the
9 following priorities for the awarding of grants under this chapter:
10 (1) First, extending the deployment of eligible broadband service
11 to areas in which:
12 (A) Internet connections are unavailable; or
13 (B) the only available connections to the Internet are at actual
14 speeds of less than ten (10) megabits per second downstream.
15 (2) Second, extending the deployment of eligible broadband
16 service to areas in which the only available connections to the
17 Internet are at actual speeds of:
18 (A) not less than ten (10) megabits; and
19 (B) not more than twenty-five (25) megabits;

1 per second downstream.

2 (3) Projects for areas described in subdivision (2) shall not be
3 funded before projects described in subdivision (1).

4 (c) The procedures established under this section may not permit the
5 awarding of a grant from the fund for any proposed broadband project
6 in an area in which eligible broadband service is available.

7 (d) The procedures established under this section may not permit the
8 office to award a grant from the fund for any project in a rural area for
9 which funding has been allocated from the federal Connect America
10 Fund or from any other similar federal funding program the express
11 purpose of which is to provide broadband service to rural or unserved
12 areas.

13 (e) The procedures established under this section must establish a
14 system of priorities for awarding grants under this chapter, weighted as
15 determined by the office in guidelines adopted under section 10 of this
16 chapter, that gives preference to eligible broadband projects that meet
17 the following criteria:

18 (1) Projects that will provide eligible broadband service to
19 unincorporated areas in Indiana.

20 (2) Projects for which the applicant commits to providing more
21 than fifty percent (50%) of the cost to deploy the proposed
22 broadband infrastructure. When multiple applicants apply for a
23 grant to provide eligible broadband service to the same rural area,
24 the office may establish a preference for approving applications
25 with a greater funding contribution by the applicant.

26 (3) Projects that involve an agreement between the applicant and
27 one (1) or more other parties that would permit the applicant to
28 use existing facilities or infrastructure owned or controlled by an
29 unrelated third party to enable the applicant to offer eligible
30 broadband service to locations in a rural area.

31 (e) The procedures established under this section must give
32 priority, as between eligible broadband projects, to the eligible
33 broadband project requiring a lower state contribution per
34 passing, calculated as:

35 (1) the amount of the state's contribution to the eligible
36 broadband project; divided by

37 (2) the total number of unserved homes and unserved
38 businesses at which eligible broadband services will be made
39 available by completion of the eligible broadband project.

40 (f) The procedures established under this section must prohibit a
41 state agency, in awarding any grant from the fund, from discriminating
42 between different types of technology used to provide eligible

1 broadband service in connection with proposed eligible broadband
2 projects.

3 (g) The procedures established under this section must, subject to
4 section 14 of this chapter, require the office to publish on the office's
5 Internet web site all grant applications received by the office under this
6 chapter. For each grant application received, the office shall establish
7 a period of at least thirty (30) days from the date the application is
8 published on the office's Internet web site under this subsection, during
9 which time the office will accept comments or objections concerning
10 the application. The office shall consider all comments or objections
11 received under this subsection in making a determination as to whether
12 to award a grant to an applicant under this chapter."

13 Page 3, line 21, delete "provider of" and insert "**company, firm,**
14 **corporation, partnership, or association that provides**".

15 Page 3, line 21, after "service" insert "**in Indiana and**".

16 Page 3, line 26, delete "who" and insert "**and businesses that**".

17 Page 4, line 26, delete "that:" and insert "**that**".

18 Page 4, delete line 27.

19 Page 4, line 28, delete "(ii)".

20 Page 4, run in lines 26 through 28.

21 Page 4, line 31, delete "that:" and insert "**that**".

22 Page 4, delete lines 32 through 34.

23 Page 4, line 35, delete "(ii)".

24 Page 4, run in lines 31 through 35.

25 Page 4, line 38, delete "Twice each" and insert "**Each**".

26 Page 4, line 39, delete "addresses" and insert "**addresses, including**
27 **zip codes,**".

28 Page 5, line 5, delete "shall" and insert "**may**".

29 Page 5, line 33, delete "estimated" and insert "**estimate of the**
30 **state's share of the**".

31 Page 5, line 33, delete "extension; and" and insert "**extension,**
32 **which may not exceed twenty-five thousand dollars (\$25,000);**".

33 Page 5, line 35, delete "bear." and insert "**bear; and**

34 **(4) a statement that broadband Internet service will be**
35 **available to the address not later than six (6) months after the**
36 **office enters into an agreement with the provider to extend**
37 **broadband Internet service to the address.**".

38 Page 5, line 39, delete "net cost, calculated as:" and insert "**cost to**
39 **the state**".

40 Page 5, delete lines 40 through 42.

41 Page 5, run in line 39 through page 6, line 1.

42 Page 6, line 9, delete "address;" and insert "**address not later than**

- 1 **six (6) months after entering into the agreement;"**
 2 Page 6, line 12, delete "address," and insert "**address and**
 3 **submission of:**
 4 **(i) an invoice for the provider's expenses in extending**
 5 **broadband Internet service to the address; and**
 6 **(ii) a statement that broadband Internet service is now**
 7 **available to the address."**
 8 Page 6, delete line 13.
 9 Page 6, line 29, after "total;" insert "**and**".
 10 Page 6, line 31, delete "located; and" and insert "**located.**".
 11 Page 6, delete lines 32 through 36.
 12 Page 6, line 39, after "total;" insert "**and**".
 13 Page 6, line 41, delete "located; and" and insert "**located.**".
 14 Page 6, delete line 42.
 15 Page 7, delete lines 1 through 4.
 16 Page 7, line 7, after "total;" insert "**and**".
 17 Page 7, line 9, delete "service;" and insert "**service.**".
 18 Page 7, delete lines 10 through 16.
 19 Page 8, line 27, delete "subsections (d) and (e):" and insert
 20 "**subsection (d):**".
 21 Page 8, delete lines 35 through 42.
 22 Page 9, delete line 1.
 23 Page 9, line 2, delete "(e)" and insert "**(d)**".
 24 Page 9, line 13, delete "(f)" and insert "**(e)**".
 25 Page 9, line 15, delete "(e)," and insert "**(d),**".
 26 Page 9, line 30, delete "(g)" and insert "**(f)**".
 27 Page 10, line 40, after "which" insert "**broadband**".
 28 Page 10, line 41, delete "available, but the applicant was unable to
 29 afford the" and insert "**unavailable; or**".
 30 Page 10, delete line 42.
 31 Page 11, line 1, delete "Internet connectivity,".
 32 Page 11, line 2, delete "including".
 33 Page 11, line 2, delete "connectivity," and insert "**connectivity**".
 34 Page 11, line 12, after "which" insert "**broadband**".
 35 Page 11, line 13, delete "available, but the applicant was unable to
 36 afford the" and insert "**unavailable; or**".
 37 Page 11, delete line 14.
 38 Page 11, line 15, delete "Internet connectivity,".
 39 Page 11, line 16, delete "including".
 40 Page 11, line 16, delete "connectivity," and insert "**connectivity**".
 41 Page 11, line 29, after "which" insert "**broadband**".
 42 Page 11, line 30, delete "available, but the applicant was unable to

- 1 afford the" and insert "**unavailable; or**".
- 2 Page 11, delete line 31.
- 3 Page 11, line 32, delete "Internet connectivity,".
- 4 Page 11, line 33, delete "including".
- 5 Page 11, line 33, delete "connectivity," and insert "**connectivity**".
- 6 Page 12, line 13, after "116-130);" insert "**and**".
- 7 Page 12, line 24, delete "site; and" and insert "**site.**".
- 8 Page 12, line 25, delete "(3) if", begin a new paragraph and insert:
- 9 "**(d) If**".
- 10 Page 12, line 25, after "determines" insert "**in the office's**
- 11 **evaluation under subsection (c)**".
- 12 Page 12, line 27, delete "(A)", begin a new line block indented and
- 13 insert:
- 14 "**(1)**".
- 15 Page 12, line 30, delete "(B)", begin a new line block indented and
- 16 insert:
- 17 "**(2)**".
- 18 Page 12, delete lines 33 through 42, begin a new line blocked left
- 19 and insert:
- 20 "**the office shall present the office's determination to the interim**
- 21 **study committee on energy, utilities, and telecommunications**
- 22 **during the 2022 legislative interim.**".
- 23 Page 13, delete line 1.
- 24 Page 13, line 16, delete "(a)" and insert "**(b)**".
- 25 Renumber all SECTIONS consecutively.
(Reference is to SB 377 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

Senator Koch, Chairperson