

**As Passed by the House**

**134th General Assembly**

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**2021-2022**

**Am. H. B. No. 2**

**Representatives Carfagna, Stewart**

**Cosponsors: Representatives O'Brien, Hall, Ghanbari, Lipps, Stephens, Seitz, Stein, Koehler, Miller, J., LaRe, Ingram, Carruthers, Hoops, Baldrige, Cutrona, White, Manning, Holmes, McClain, Riedel, Ginter, Loychik, Swearingen, Richardson, Lanese, Young, T., Fraizer, Click, Edwards, Schmidt, West, Abrams, Bird, Blackshear, Boggs, Brent, Brown, Callender, Crawley, Creech, Cross, Crossman, Denson, Galonski, Grendell, Hicks-Hudson, Hillyer, Householder, Howse, Jarrells, John, Johnson, Jones, Kelly, Kick, Lampton, Leland, Lepore-Hagan, Lightbody, Liston, Miller, A., Miranda, Oelslager, Patton, Pavliga, Plummer, Robinson, Roemer, Russo, Sheehy, Smith, K., Smith, M., SobECKi, Sweeney, Sykes, Troy, Weinstein, Wilkin, Young, B., Speaker Cupp**

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**A BILL**

To amend sections 133.13 and 727.01 and to enact 1  
sections 122.40, 122.401, 122.403, 122.404, 2  
122.406, 122.407, 122.408, 122.4010, 122.4013, 3  
122.4015, 122.4016, 122.4017, 122.4018, 4  
122.4019, 122.4020, 122.4021, 122.4023, 5  
122.4024, 122.4025, 122.4030, 122.4031, 6  
122.4033, 122.4034, 122.4035, 122.4036, 7  
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122.4051, 122.4053, 122.4055, 122.4060, 10  
122.4061, 122.4063, 122.4070, 122.4071, 11  
122.4073, 122.4075, 122.4076, 122.4077, 188.01, 12  
188.02, 188.05, 188.08, 188.11, 188.14, 188.17, 13  
188.20, 188.23, 188.27, 188.30, 303.251, 14  
505.881, 4926.01, 4926.03, 4926.06, 4926.09, 15

4926.12, 4926.15, 4926.18, 4926.21, 4926.24, 16  
4926.27, 4926.30, 4926.33, 4926.36, 4926.39, 17  
4926.42, 4926.43, 4926.45, 4926.48, 4926.51, 18  
4926.54, 4926.57, and 4926.60 of the Revised 19  
Code regarding broadband expansion, including 20  
access to electric cooperative easements and 21  
facilities, to make an appropriation, and to 22  
declare an emergency. 23

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

**Section 1.** That sections 133.13 and 727.01 be amended and 24  
sections 122.40, 122.401, 122.403, 122.404, 122.406, 122.407, 25  
122.408, 122.4010, 122.4013, 122.4015, 122.4016, 122.4017, 26  
122.4018, 122.4019, 122.4020, 122.4021, 122.4023, 122.4024, 27  
122.4025, 122.4030, 122.4031, 122.4033, 122.4034, 122.4035, 28  
122.4036, 122.4037, 122.4040, 122.4041, 122.4043, 122.4044, 29  
122.4045, 122.4046, 122.4050, 122.4051, 122.4053, 122.4055, 30  
122.4060, 122.4061, 122.4063, 122.4070, 122.4071, 122.4073, 31  
122.4075, 122.4076, 122.4077, 188.01, 188.02, 188.05, 188.08, 32  
188.11, 188.14, 188.17, 188.20, 188.23, 188.27, 188.30, 303.251, 33  
505.881, 4926.01, 4926.03, 4926.06, 4926.09, 4926.12, 4926.15, 34  
4926.18, 4926.21, 4926.24, 4926.27, 4926.30, 4926.33, 4926.36, 35  
4926.39, 4926.42, 4926.43, 4926.45, 4926.48, 4926.51, 4926.54, 36  
4926.57, and 4926.60 of the Revised Code be enacted to read as 37  
follows: 38

**Sec. 122.40.** As used in sections 122.40 to 122.4077 of the 39  
Revised Code: 40

(A) "Application" means an application made under section 41

122.4013 of the Revised Code for a program grant. 42

(B) "Broadband funding gap" means the difference between 43  
the total amount of money a broadband provider calculates is 44  
necessary to construct the last mile of a specific broadband 45  
network and the total amount of money that the provider has 46  
determined is the maximum amount of money that is cost effective 47  
for the provider to invest in last mile construction for that 48  
network. 49

(C) (1) "Broadband provider" means one of the following: 50

(a) A video service provider as defined in section 1332.21 51  
of the Revised Code; 52

(b) A provider that is capable of providing tier one or 53  
tier two broadband service and is one of the following: 54

(i) A telecommunications service provider; 55

(ii) A satellite broadcasting service provider; 56

(iii) A wireless service provider as defined in section 57  
4927.01 of the Revised Code. 58

(2) "Broadband provider" does not include a governmental 59  
or quasi-governmental entity. 60

(D) "Eligible project" means a project to provide tier two 61  
broadband service access to residences in an unserved area or 62  
tier one area of a municipal corporation or township that is 63  
eligible for funding under sections 122.4013 to 122.4046 of the 64  
Revised Code. 65

(E) "Last mile" means the last portion of a physical 66  
broadband network that connects an eligible project to the 67  
broader network used to provide tier two broadband service, and 68

to which both of the following apply: 69

(1) It includes other network infrastructure in the last 70  
portion of the network that is needed to provide tier two 71  
broadband service to residences as part of an eligible project, 72  
but does not include network infrastructure in any portion of 73  
the network that is outside of the last portion. 74

(2) It is not required to be, or limited to, a specific 75  
distance measurement of one mile or any other specific distance. 76

(F) "Ohio residential broadband expansion grant program" 77  
means the program established under sections 122.40 to 122.4077 78  
of the Revised Code. 79

(G) "Program grant" means money awarded under the Ohio 80  
residential broadband expansion grant program to assist in 81  
covering the broadband funding gap for an eligible project. 82

(H) "Satellite broadcasting service" has the same meaning 83  
as in section 5739.01 of the Revised Code. 84

(I) "Telecommunications service" has the same meaning as 85  
in section 1332.21 of the Revised Code. 86

(J) "Tier one broadband service" means a retail wireline 87  
or wireless broadband service capable of delivering internet 88  
access at speeds of at least ten but less than twenty-five 89  
megabits per second downstream and at least one but less than 90  
three megabits per second upstream. 91

(K) "Tier two broadband service" means a retail wireline 92  
or wireless broadband service capable of delivering internet 93  
access at speeds of at least twenty-five megabits per second 94  
downstream and at least three megabits per second upstream. 95

(L) "Tier one area" means an area that has access to tier 96

one broadband service but not tier two broadband service. "Tier 97  
one area" includes an area where construction of a network to 98  
provide tier one broadband service is in progress and is 99  
scheduled to be completed within a two-year period. "Tier one 100  
area" excludes an area where construction of a network to 101  
provide tier two broadband service is in progress and is 102  
scheduled to be completed within a two-year period. 103

(M) "Unserved area" means an area without access to tier 104  
one broadband service or tier two broadband service. "Unserved 105  
area" excludes an area where construction of a network to 106  
provide tier one broadband service or tier two broadband service 107  
is in progress and is scheduled to be completed within a two- 108  
year period. 109

**Sec. 122.401.** There is hereby established the Ohio 110  
residential broadband expansion grant program within the 111  
development services agency. The agency shall administer and 112  
provide staff assistance for the program. The agency shall be 113  
responsible for receiving and reviewing applications for program 114  
grants and for sending completed applications to the broadband 115  
expansion program authority for final review and award of 116  
program grants. 117

**Sec. 122.403.** (A) (1) There is hereby created, within the 118  
development services agency, the broadband expansion program 119  
authority, which shall consist of the director of development 120  
services or the director's designee, the director of the office 121  
of InnovateOhio or the director's designee, and three other 122  
members as follows: one member appointed by the president of the 123  
senate, one member appointed by the speaker of the house of 124  
representatives, and one member appointed by the governor. 125

(2) Appointed members shall have expertise in broadband 126

infrastructure and technology. Appointed members may not be 127  
affiliated with or employed by the broadband industry or in a 128  
position to benefit from a program grant. 129

(3) The assignment of designees by the director of 130  
development services and the director of InnovateOhio shall be 131  
made in writing. 132

(B) Appointed members shall serve four year terms and are 133  
eligible for reappointment. 134

(C) Vacancies shall be filled in the same manner as 135  
provided for original appointments. Any member appointed to fill 136  
a vacancy occurring prior to the expiration of the term for 137  
which the member's predecessor was appointed shall hold office 138  
for the remainder of that term. 139

(D) (1) (a) Appointed members shall receive a monthly 140  
stipend as calculated under section 145.016 of the Revised Code 141  
in an amount that will qualify each member for one year of 142  
retirement service credit under the Ohio public employees 143  
retirement system for each year of the member's term. 144

(b) Notwithstanding the requirement of section 145.58 of 145  
the Revised Code that eligibility for health care coverage 146  
provided under that section be based on years and types of 147  
service credit in accordance with rules adopted by the public 148  
employees retirement board, if the board provides health care 149  
coverage under that section, no service credit earned for 150  
service as a member of the authority shall be considered for 151  
purposes of determining eligibility for coverage under that 152  
section. 153

(c) Members shall receive reimbursement for their 154  
necessary and actual expenses incurred in performing the 155

business of the authority. The reimbursements constitute, as 156  
applicable, administrative costs of the Ohio residential 157  
broadband expansion grant program. 158

(2) An appointed member of the authority who is currently 159  
serving as an administrative department head under section 160  
121.03 of the Revised Code is not eligible to receive a stipend 161  
under division (A) of this section. 162

(3) The agency shall be responsible for paying all 163  
reimbursements and stipends under this section. 164

(E) The director of development services, or the 165  
director's designee, shall serve as chairperson of the 166  
authority. The members of the authority annually shall elect a 167  
vice-chairperson from the members of the authority. Three 168  
members of the authority constitute a quorum to transact and 169  
vote on the business of the authority. An affirmative vote of 170  
three members is necessary to approve any business, including 171  
the election of the vice-chairperson. 172

(F) If the director of development services assigns a 173  
designee to serve on the authority, the director of development 174  
services shall appoint a professional employee of the 175  
development services agency to serve as the director's designee 176  
at authority meetings. In the absence of the director of 177  
development services or the director's designee, the vice- 178  
chairperson of the authority shall serve as chairperson of 179  
authority meetings. 180

(G) The authority is not an agency for purposes of 181  
sections 101.82 to 101.87 of the Revised Code. 182

**Sec. 122.404.** (A) Members of the broadband expansion 183  
program authority may attend meetings of the authority 184

electronically by means of electronic communication if all of 185  
the following apply: 186

(1) At least three of the members attending the meeting 187  
are present in person at the place where the meeting is 188  
conducted. 189

(2) The means of electronic communication permits, for the 190  
duration of the meeting, simultaneous communication among the 191  
members attending electronically, the members attending in 192  
person, and all members of the public attending in person. 193

(3) All votes taken at the meeting are to be taken by roll 194  
call vote. 195

(B) Except in the case of an emergency, a member who 196  
intends to attend a meeting by means of electronic communication 197  
shall notify the chairperson of the member's intent not less 198  
than forty-eight hours before the scheduled time of the meeting. 199

**Sec. 122.406.** The broadband expansion program authority 200  
shall consider each application for a program grant that the 201  
development services agency has reviewed and sent to it. The 202  
authority shall score all applications according to the scoring 203  
system established under section 122.4040 of the Revised Code 204  
and award program grants based on that system according to 205  
sections 122.4043 and 122.4044 of the Revised Code. 206

**Sec. 122.407.** The broadband expansion program authority 207  
shall do the following: 208

(A) Continually examine, and propose updates to, any 209  
broadband plan provided by law enacted by the general assembly 210  
or executive order issued by the governor; 211

(B) Monitor the Ohio residential broadband expansion grant 212



<u>program, including by doing the following:</u>	213
<u>(1) Tracking the details for annual applications to the</u>	214
<u>program, including:</u>	215
<u>(a) The number of applications;</u>	216
<u>(b) The geographic locations of the eligible projects</u>	217
<u>listed in the applications;</u>	218
<u>(c) The broadband providers submitting applications;</u>	219
<u>(d) A description of the tier two broadband infrastructure</u>	220
<u>and technology proposed in applications;</u>	221
<u>(e) A description of any public right-of-way or public</u>	222
<u>facilities to be utilized for the projects;</u>	223
<u>(f) The speeds of the tier two broadband services under</u>	224
<u>the projects;</u>	225
<u>(g) The amount of the grant funds requested for each</u>	226
<u>project and the proportion of project funding to be provided by</u>	227
<u>the broadband provider and by other entities;</u>	228
<u>(h) The number of residential and nonresidential locations</u>	229
<u>that will have access to tier two broadband service under each</u>	230
<u>project.</u>	231
<u>(2) Tracking the program grants awarded annually,</u>	232
<u>including:</u>	233
<u>(a) The number of program grants;</u>	234
<u>(b) The geographic location or locations of the projects;</u>	235
<u>(c) The broadband providers that received program grants</u>	236
<u>and the entities or companies that submitted the application;</u>	237
<u>(d) A description of the tier two broadband infrastructure</u>	238

<u>and technology deployed in each project;</u>	239
<u>(e) A description of any public right-of-way or public facilities utilized as part of the project;</u>	240
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<u>(f) The speeds of the tier two broadband services enabled by each project;</u>	242
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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>	244
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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>	247
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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>	250
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<u>(4) Adding any additional factors deemed necessary by the authority to monitor the program.</u>	253
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<u>(C) Review all progress reports and operational reports required under section 122.4070 of the Revised Code.</u>	255
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<u>(D) Review all pending county requests made pursuant to section 122.4051 of the Revised Code for program grants.</u>	257
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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>	259
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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>	262
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<u>effectively for learning, collaborating, and producing;</u>	266
<u>(G) Identify, examine, and report on any federal or state</u>	267
<u>government grant or loan program that would promote the</u>	268
<u>deployment of tier two broadband infrastructure and technology</u>	269
<u>in the state;</u>	270
<u>(H) Track the availability, location, rates and speeds,</u>	271
<u>and adoption of programs that offer tier one broadband service</u>	272
<u>and tier two broadband service in an affordable manner to low-</u>	273
<u>income consumers in this state.</u>	274
<u>Sec. 122.408. The broadband expansion program authority</u>	275
<u>shall conduct hearings to gather information necessary to</u>	276
<u>accomplish the duties specified under section 122.407 of the</u>	277
<u>Revised Code.</u>	278
<u>Sec. 122.4010. The broadband expansion program authority,</u>	279
<u>upon majority approval of the authority's members, shall submit</u>	280
<u>a written public report of its findings and recommendations to</u>	281
<u>the governor and the general assembly not later than the first</u>	282
<u>of December of each calendar year.</u>	283
<u>The authority shall not disclose any proprietary</u>	284
<u>information or trade secrets in the report. Copies of the report</u>	285
<u>shall be available on the development services agency's web</u>	286
<u>site.</u>	287
<u>Sec. 122.4013. A broadband provider may apply for a</u>	288
<u>program grant under the Ohio residential broadband expansion</u>	289
<u>grant program.</u>	290
<u>Sec. 122.4015. Program grants under the Ohio residential</u>	291
<u>broadband expansion grant program shall be awarded only for</u>	292
<u>eligible projects.</u>	293

Sec. 122.4016. An application shall be ineligible for a 294  
program grant under the Ohio residential broadband expansion 295  
grant program if either of the following applies: 296

(A) It proposes to provide tier two broadband service to 297  
areas where tier two broadband service is presently available. 298

(B) In the proposed area of service, construction of a 299  
network to provide tier two broadband service currently is in 300  
progress and one of the following applies: 301

(1) It is being constructed, without grant program 302  
funding, by the broadband provider that submitted the 303  
application. 304

(2) It is scheduled to be completed by another broadband 305  
provider not later than two years after the date of a challenge 306  
submitted under section 122.4030 of the Revised Code. 307

Sec. 122.4017. The broadband expansion program authority 308  
shall award program grants under the Ohio residential broadband 309  
expansion grant program using funds appropriated by the general 310  
assembly for this purpose. 311

Sec. 122.4018. (A) Each fiscal year, the development 312  
services agency shall fund program grants until funds for that 313  
fiscal year are no longer available. 314

(B) Any application pending at the end of the fiscal year 315  
shall be deemed denied, but may be refiled in a subsequent 316  
fiscal year provided that all information in the application is 317  
still current or has been updated. 318

Sec. 122.4019. (A) (1) Each fiscal year, the development 319  
services agency shall accept applications for program grants. 320

(2) To apply for a program grant, a broadband provider 321

shall submit an application to the agency on a form prescribed 322  
by the agency and shall provide the information required under 323  
section 122.4020 of the Revised Code. The form shall include a 324  
statement informing the applicant that failure to comply with 325  
the program or to meet the required tier two broadband service 326  
proposed in the application may require the refund of all or a 327  
portion of the program grant awarded for the project. 328

(3) Applications may be submitted in person or by 329  
certified mail or electronic mail, or uploaded to a designated 330  
agency web site for applications. 331

(B) Applications shall be accepted during a submission 332  
period specified by the broadband expansion program authority. 333  
Each submission period shall be at least sixty but not more than 334  
ninety days. Each fiscal year there shall be not more than two 335  
submission periods. 336

(C) The agency shall publish information from submitted 337  
applications on the agency's web site as follows: 338

(1) Not later than five days after the close of the 339  
submission period in which the application is made, the agency 340  
shall publish, for each completed application, the list of 341  
residential addresses included with the completed applications 342  
under division (A)(1)(a) of section 122.4020 of the Revised 343  
Code. 344

(2) Not later than thirty-five days after the close of the 345  
submission period in which the application is made, the agency 346  
shall publish all information from each completed application 347  
that it determines is not confidential under section 122.4023 of 348  
the Revised Code. 349

(D) If an application is incomplete, the agency shall 350

notify the broadband provider that submitted the application. 351  
The notification shall list what information is incomplete and 352  
shall describe the procedure for refiling a completed 353  
application. 354

(E) The agency shall review an application determined 355  
incomplete under division (D) of this section as provided in 356  
sections 122.4019 to 122.4036 of the Revised Code if the 357  
application is completed and refiled: 358

(1) Before the end of the submission period described 359  
under division (B) of this section; or 360

(2) Not later than fourteen days after the end of the 361  
submission period described under division (B) of this section, 362  
if the agency, for good cause shown, has granted the broadband 363  
provider an extension period of not more than fourteen days in 364  
which to file the completed application. 365

(F) The agency shall deny an incomplete application if the 366  
broadband provider fails to complete and refile it within the 367  
applicable submission period or extension period. Applications 368  
that are denied shall not be published on the agency's web site. 369

**Sec. 122.4020.** (A) An application for a program grant 370  
under the Ohio residential broadband expansion grant program 371  
shall include, at a minimum, the following information for an 372  
eligible project: 373

(1) The location and description of the project, 374  
including: 375

(a) The residential addresses in the unserved or tier one 376  
areas where tier two broadband service will be available 377  
following completion of the project; 378

(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; 379  
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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. 382  
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(2) The amount of the broadband funding gap and the amount of state funds requested; 387  
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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: 389  
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(a) Funds that the broadband provider is willing to contribute to the broadband funding gap; 393  
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(b) Funds received or approved under any other federal or state government grant or loan program; 395  
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(c) General revenue funds of a municipal corporation, township, or county comprising the area of the eligible project; 397  
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(d) Other discretionary funds of the municipal corporation, township, or county comprising the area of the eligible project; 399  
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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 122.4025 of the Revised Code; 402  
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(f) Contributions or grants from individuals, 406

<u>organizations, or companies;</u>	407
<u>(g) Property tax assessments made by the municipal</u>	408
<u>corporation under Chapter 727. of the Revised Code, township</u>	409
<u>under section 505.881 of the Revised Code, or county under</u>	410
<u>section 303.251 of the Revised Code.</u>	411
<u>(4) The source and amount of any financial or in-kind</u>	412
<u>contributions received or approved for any part of the overall</u>	413
<u>eligible project cost, but not applied to the broadband funding</u>	414
<u>gap;</u>	415
<u>(5) A description of, or documentation demonstrating, the</u>	416
<u>broadband provider's managerial and technical expertise and</u>	417
<u>experience with broadband service projects;</u>	418
<u>(6) Whether the broadband provider plans to use wired,</u>	419
<u>wireless, or satellite technology to complete the project;</u>	420
<u>(7) A description of the scalability of the project;</u>	421
<u>(8) The megabit-per-second broadband download and upload</u>	422
<u>speeds planned for the project;</u>	423
<u>(9) A description of the broadband provider's customer</u>	424
<u>service capabilities, including any locally based call centers</u>	425
<u>or customer service offices;</u>	426
<u>(10) A copy of the broadband provider's general customer</u>	427
<u>service policies, including any policy to credit customers for</u>	428
<u>service outages or the provider's failure to keep scheduled</u>	429
<u>appointments for service;</u>	430
<u>(11) The length of time that the broadband provider has</u>	431
<u>been operating in the state;</u>	432
<u>(12) Proof that the broadband provider has the financial</u>	433



<u>stability to complete the project;</u>	434
<u>(13) A projected construction timetable, including the</u>	435
<u>anticipated date of the provision of tier two broadband service</u>	436
<u>access within the project;</u>	437
<u>(14) A description of anticipated or preliminary</u>	438
<u>government authorizations, permits, and other approvals required</u>	439
<u>in connection with the project, and an estimated timetable for</u>	440
<u>the acquisition of such approvals;</u>	441
<u>(15) A notification from the broadband provider informing</u>	442
<u>the development services agency of any information contained in</u>	443
<u>the application, or within related documents submitted with it,</u>	444
<u>that the provider considers proprietary or a trade secret;</u>	445
<u>(16) A notarized statement that the broadband provider</u>	446
<u>accepts the condition that noncompliance with Ohio residential</u>	447
<u>broadband expansion grant program requirements may require the</u>	448
<u>provider to refund all or part of any program grant the provider</u>	449
<u>receives;</u>	450
<u>(17) A brief description of any arrangements, including</u>	451
<u>any subleases of infrastructure or joint ownership arrangements</u>	452
<u>that the broadband provider that submitted the application has</u>	453
<u>entered into, or plans to enter into, with another broadband</u>	454
<u>provider, an electric cooperative, or an electric distribution</u>	455
<u>utility, to enable the offering of tier two broadband service</u>	456
<u>under the project;</u>	457
<u>(18) Other relevant information that the agency determines</u>	458
<u>is necessary and prescribes by rule;</u>	459
<u>(19) Any other information the broadband provider</u>	460
<u>considers necessary.</u>	461

(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. 462  
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**Sec. 122.4021.** 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. 466  
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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. 475  
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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. 478  
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**Sec. 122.4023.** Pursuant to rules adopted under section 122.4077 of the Revised Code, the development services agency shall evaluate the information and documents submitted by a broadband provider in an application under section 122.4013 of the Revised Code or by a challenging provider under section 122.4030 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 agency shall keep them confidential and shall not publish them on the agency's web site, unless the agency finds 482  
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that any information or document is not proprietary or a trade 492  
secret. Any information or document found not to be proprietary 493  
or a trade secret under this section shall not be considered 494  
confidential and shall be published on the agency web site as is 495  
required for an application under division (C)(2) of section 496  
122.4019 of the Revised Code. 497

**Sec. 122.4024.** The development services agency shall 498  
establish an automatic notification process through which 499  
interested parties may receive electronic mail notifications 500  
when the agency publishes application and other information on 501  
its web site pursuant to sections 122.40 to 122.4077 of the 502  
Revised Code. 503

**Sec. 122.4025.** A broadband provider may enter into an 504  
arrangement to designate video service provider fees remitted by 505  
the broadband provider for contribution towards an eligible 506  
project's broadband funding gap under the following 507  
circumstances: 508

(A) The broadband provider is a video service provider 509  
that, pursuant to section 1332.32 of the Revised Code, collects 510  
and remits video service provider fees to one or more 511  
legislative authorities in which an eligible project is located. 512

(B) The arrangement is entered into by mutual consent with 513  
one or more of the legislative authorities in which the eligible 514  
project is located. 515

**Sec. 122.4030.** (A) As used in section 122.4023 and 516  
sections 122.4030 to 122.4035 of the Revised Code, "challenging 517  
provider" means either of the following: 518

(1) A broadband provider that provides tier two broadband 519  
service within or directly adjacent to an eligible project; 520

(2) A municipal electric utility that provides tier two broadband service to an area within the eligible project that is within the geographic area served by the municipal electric utility. 521  
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(B) (1) (a) A challenging provider may challenge, in writing, all or part of a completed application for a program grant for the project not later than sixty-five days after the close of the submission period, or an extension granted under division (E) (2) of section 122.4019 of the Revised Code, in which the application was made. 525  
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(b) The development services agency, for good cause shown, may grant the broadband provider an extension of not more than fourteen days in which to submit a challenge. 531  
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(2) The challenging provider shall provide, by certified mail, a written copy of the challenge to the agency and to the broadband provider that submitted the application. The copy provided to the agency may include any information the challenging provider considers to be proprietary or a trade secret. Proprietary information or trade secrets may be redacted from the copy provided to the broadband provider that submitted the application. 534  
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(C) No challenge to an application may be accepted before the completed application is published in its entirety on the agency's web site pursuant to division (C) (2) of section 122.4019 of the Revised Code. 542  
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**Sec. 122.4031.** (A) To successfully challenge an application, a challenging provider shall provide sufficient evidence to the development services agency demonstrating that all or part of a project under the application is ineligible for 546  
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a grant. The challenge shall, at minimum, include the following 550  
information: 551

(1) Sufficient evidence disputing the notarized letter of 552  
intent submitted with the application that the eligible project 553  
contains unserved or tier one areas; 554

(2) Sufficient evidence attesting to the challenging 555  
provider's existing or planned offering of tier two broadband 556  
service to all or part of the eligible project, which evidence 557  
shall include the following: 558

(a) With regard to existing tier two broadband service, a 559  
signed, notarized statement submitted by the challenging 560  
provider that sufficiently identifies the part of the eligible 561  
project to which the challenging provider offers broadband 562  
service; 563

(b) With regard to the planned provision of tier two 564  
broadband service by a challenging provider as described in 565  
division (B) of section 122.4016 of the Revised Code, both of 566  
the following: 567

(i) A signed, notarized statement submitted by the 568  
challenging provider that sufficiently identifies the part of 569  
the eligible project to which the challenging provider will 570  
offer broadband service; 571

(ii) A summary of the construction efforts that includes 572  
the dates when tier two broadband construction is expected to be 573  
completed and when tier two broadband service will first be 574  
offered to the part of the eligible project being challenged. 575

(B) To demonstrate that all or part of a project under the 576  
application is ineligible for a grant, a challenging provider 577  
may present shapefile data, residential addresses, maps, or 578

similar geographic details. Census block or census tract level 579  
data shall not be acceptable as evidence of ineligibility of all 580  
or part of a project. 581

**Sec. 122.4033.** (A) Not later than thirty days after 582  
receipt of a challenge under sections 122.4030 to 122.4035 of 583  
the Revised Code, the broadband expansion program authority may 584  
do either of the following: 585

(1) Suspend, subject to division (B) of this section, all 586  
or part of the application; 587

(2) Reject the challenge, approve the application, and 588  
proceed with the application process. 589

(B) The authority shall allow the broadband provider that 590  
submitted the application being challenged to revise the 591  
application consistent with sections 122.40 to 122.4077 of the 592  
Revised Code, if the authority upholds a challenge to all or 593  
part of the application. 594

(C) The authority shall notify both the broadband provider 595  
that submitted the application and the challenging provider of 596  
any decision made under this section by providing a copy of the 597  
decision by certified mail or electronic mail. The authority 598  
shall update the status of the application on the development 599  
services agency web site. 600

**Sec. 122.4034.** (A) If the broadband expansion program 601  
authority suspends all or part of an application, the broadband 602  
provider that submitted the application may revise and resubmit 603  
the application not later than fourteen days after receiving the 604  
suspension notification sent by the authority pursuant to 605  
section 122.4033 of the Revised Code. The broadband provider may 606  
request, and the authority may grant for good cause shown, an 607

extension period of not more than fourteen days in which the 608  
broadband provider may resubmit the application. 609

(B) When revising the application, the broadband provider 610  
shall not expand the scope or impact of the original 611  
application, nor shall the provider add any new residential 612  
addresses to the eligible project. 613

(C) The broadband provider shall provide a copy of the 614  
revised application to both the authority and the challenging 615  
provider by certified mail or by electronic mail or by uploading 616  
it to the development services agency's designated web site for 617  
applications. The agency shall publish the revised application 618  
on the agency's public web site provided that any information 619  
determined to be proprietary or a trade secret under section 620  
122.4023 of the Revised Code is redacted. 621

(D) Any failure to respond to the notification or properly 622  
revise the application to the authority's satisfaction shall be 623  
considered a withdrawal of the application. 624

**Sec. 122.4035.** Upon receipt of a revised application under 625  
section 122.4034 of the Revised Code, the broadband expansion 626  
program authority shall review the revised application and 627  
decide whether to accept it or uphold the challenge under 628  
sections 122.4030 to 122.4035 of the Revised Code within 629  
fourteen days. The authority shall provide a copy of its 630  
decision to both the broadband provider that submitted the 631  
revised application and the challenging provider by certified 632  
mail or electronic mail and shall update the status of the 633  
application on the development services agency's web site. The 634  
decision shall be considered final, and further challenges to 635  
the revised application are prohibited. 636

Sec. 122.4036. If the broadband expansion program 637  
authority upholds a challenge to an application under sections 638  
122.4030 to 122.4035 of the Revised Code and the challenging 639  
provider fails to provide tier two broadband service as 640  
described in the challenge, the challenging provider, after a 641  
reasonable opportunity to be heard, may be required to do either 642  
or both of the following, in addition to being subject to other 643  
remedies available under the law: 644

(A) Pay to the development services agency the amount of 645  
the original broadband funding gap described in section 122.4020 646  
of the Revised Code for the application that was challenged; 647

(B) Comply with the requirements of any other penalties 648  
prescribed by agency rule and imposed after consultation with 649  
the authority. 650

Sec. 122.4037. Any money collected under section 122.4036 651  
of the Revised Code shall be deposited into the general revenue 652  
fund. 653

Sec. 122.4040. The development services agency, in 654  
consultation with the broadband expansion program authority, 655  
shall establish a weighted scoring system to evaluate and select 656  
applications for program grants. The scoring system shall be 657  
available on the agency's web site at least thirty days before 658  
the beginning of the application submission period set by the 659  
agency by rule. 660

Sec. 122.4041. (A) The scoring system established under 661  
section 122.4040 of the Revised Code shall prioritize 662  
applications, from highest to lowest weight, in the following 663  
order: 664

(1) Eligible projects for unserved areas, rather than tier 665



<u>one areas;</u>	666
<u>(2) Eligible projects located within distressed areas as defined under section 122.19 of the Revised Code;</u>	667 668
<u>(3) Eligible projects that are receiving or have been approved to receive any financial or in-kind contributions towards the broadband funding gap identified in the application under division (A) (3) of section 122.4020 of the Revised Code, including the amounts and proportions of the contributions;</u>	669 670 671 672 673
<u>(4) Eligible projects for which the proposed construction will utilize state rights-of-way or otherwise require attachment to, or use of, public facilities or conduit to provide tier two broadband service to an eligible project;</u>	674 675 676 677
<u>(5) Eligible projects based on proposed upstream and downstream speeds and the scalability of the tier two broadband service infrastructure proposed to be deployed to speeds higher than twenty-five megabits per second downstream and three megabits per second upstream;</u>	678 679 680 681 682
<u>(6) Eligible projects based on each of the following, in equal measure, without favoring one broadband provider over another:</u>	683 684 685
<u>(a) Demonstrated support, supported by evidence, for community and economic development efforts in, or adjacent to, the projects, including the provision of tier two broadband service to commercial and nonresidential entities as a result of, but not funded directly by, the program;</u>	686 687 688 689 690
<u>(b) The broadband provider's experience, technical ability, and financial capability in successfully deploying and providing tier two broadband service;</u>	691 692 693

(c) The length of time the broadband provider has been 694  
providing tier two broadband service in the state; 695

(d) The extent to which funding is necessary to deploy 696  
tier two broadband service infrastructure in an economically 697  
feasible manner to the eligible project; 698

(e) The ability of the broadband provider to leverage 699  
nearby or adjacent tier one or tier two broadband service 700  
infrastructure to facilitate the proposed deployment and 701  
provision of tier two broadband service to the eligible project; 702

(f) If existing tier one or tier two broadband service 703  
infrastructure exists in the area of the eligible project, the 704  
extent to which the project utilizes or upgrades the existing 705  
tier one or tier two infrastructure, rather than duplicates it; 706

(g) The eligible projects' location within Ohio 707  
opportunity zones as defined under division (A) (2) of section 708  
122.84 of the Revised Code. 709

(B) The development services agency may include in the 710  
weighted scoring system any other factors it determines to be 711  
reasonable, appropriate, and consistent with the purpose of 712  
facilitating the economic deployment of tier two broadband 713  
service to unserved or tier one areas. The factors included 714  
under this division shall be considered after the weighted 715  
factors described in division (A) of this section. 716

**Sec. 122.4043.** (A) The broadband expansion program 717  
authority shall award program grants under the Ohio residential 718  
broadband expansion grant program after reviewing applications 719  
sent to the authority by the development services agency. Awards 720  
shall be granted after the authority scores applications based 721  
on the scoring system under sections 122.4040 and 122.4041 of 722

the Revised Code. 723

(B) In awarding program grants, the authority shall 724  
consider all regulatory obligations under applicable law. The 725  
authority may not consider any of the following: 726

(1) Proposed project conditions that require open access 727  
networks or that establish a specific rate, service, or other 728  
obligation not specified for the Ohio residential broadband 729  
expansion grant program; 730

(2) Factors that would constrain a broadband provider that 731  
receives a grant from offering or providing tier two broadband 732  
service in the same manner as the service is offered by 733  
broadband providers in other areas of the state without funding 734  
from the Ohio residential broadband expansion grant program. 735

(C) Upon making the program grant awards, the authority 736  
shall notify the broadband providers that submitted applications 737  
of the award decisions. The authority shall publish the program 738  
grant awards on the agency's web site. 739

**Sec. 122.4044.** After the broadband expansion program 740  
authority awards a program grant under section 122.4043 of the 741  
Revised Code, the development services agency shall disburse the 742  
program grant as follows: 743

(A) A portion of the program grant, not to exceed thirty 744  
per cent, shall be disbursed before construction of the project 745  
begins. 746

(B) A portion of the program grant, not to exceed sixty 747  
per cent, shall be disbursed through periodic payments over the 748  
course of construction of the eligible project as determined by 749  
the agency by rules adopted under section 122.4077 of the 750  
Revised Code. 751

(C) The remaining portion shall be disbursed not later 752  
than sixty days after the broadband provider notifies the 753  
authority that it has completed construction of the project. 754

**Sec. 122.4045.** (A) The development services agency may, 755  
through an independent third party, conduct speed verification 756  
tests of an eligible project that receives a program grant. Such 757  
tests shall occur as follows: 758

(1) After the construction is complete, but prior to the 759  
final disbursement made under division (C) of section 122.4044 760  
of the Revised Code to verify that tier two broadband service is 761  
being offered; 762

(2) At any time during the reporting period required under 763  
division (B) of section 122.4070 of the Revised Code, after 764  
receiving a complaint concerning a residence that is part of the 765  
eligible project. 766

(B) To evaluate compliance with tier two broadband service 767  
standards, speed verification tests conducted under this section 768  
shall be conducted on at least two different days and at two 769  
different times on each of those days. 770

(C) The agency may withhold payments under this section 771  
for failure to meet at least the minimum speeds required under 772  
division (A) (8) of section 122.4020 of the Revised Code. 773  
Payments may be held until such speeds are achieved. 774

**Sec. 122.4046.** (A) If the development services agency 775  
determines that a broadband provider that has been awarded a 776  
program grant under the Ohio residential broadband expansion 777  
grant program has not complied with the requirements of the 778  
program, the agency shall notify the provider of the 779  
noncompliance. In accordance with rules adopted by the agency 780

under section 122.4077 of the Revised Code, the agency shall 781  
give the provider an opportunity to explain or cure the 782  
noncompliance. 783

(B) After reviewing the broadband provider's explanation 784  
or effort to cure the noncompliance, the following shall apply: 785

(1) The agency may require the provider to refund an 786  
amount equal to all, or a portion of, the amount of the program 787  
grant awarded to the provider, as determined by the agency. 788

(2) The agency may require the broadband provider to 789  
refund to the appropriate municipal corporation, township, or 790  
county the entire amount of general revenue funds or other 791  
discretionary funds that it contributed toward the broadband 792  
funding gap under division (A) (3) (c) or (d) of section 122.4020 793  
of the Revised Code. 794

(C) Not more than thirty days after the agency's decision 795  
requiring a refund for program noncompliance or a failure to 796  
explain or cure it, the broadband provider shall pay the refund 797  
required under division (B) of this section. Payments shall be 798  
made directly to the municipal corporation, township, or county 799  
that contributed funds toward the broadband funding gap. 800

**Sec. 122.4050.** Upon adoption of a resolution, a board of 801  
county commissioners may request the development services agency 802  
to solicit applications from broadband providers for program 803  
grants under the Ohio residential broadband expansion grant 804  
program for eligible projects in the municipal corporations and 805  
townships of the county. 806

A request made by a county shall identify, to the extent 807  
possible, the residential addresses in unserved or tier one 808  
areas of the county and provide a point of contact at the county 809

and the municipal corporations and townships in which the 810  
addresses are located. The request may include any relevant 811  
information, documents, or materials that may be helpful for an 812  
application. 813

**Sec. 122.4051.** Upon receipt of a request from a board of 814  
county commissioners pursuant to section 122.4050 of the Revised 815  
Code, the development services agency shall solicit, on behalf 816  
of the county, applications for program grants for eligible 817  
projects under the Ohio residential broadband expansion grant 818  
program. Not later than seven days after receipt of the request, 819  
the agency shall make the request, and any accompanying 820  
information submitted with the request, available for review on 821  
the agency's web site. The request shall remain available on the 822  
web site for a period not to exceed two years. 823

**Sec. 122.4053.** An application for a program grant under 824  
the Ohio residential broadband expansion grant program made in 825  
response to a request under section 122.4050 of the Revised Code 826  
shall fully comply with all of the program requirements. Nothing 827  
in sections 122.4050, 122.4051, and 122.4053 of the Revised Code 828  
shall be construed as providing relief from compliance with any 829  
program requirements. 830

**Sec. 122.4055.** The development services agency shall not 831  
be responsible for any failure by a broadband provider to 832  
respond to a request made by the agency pursuant to section 833  
122.4051 of the Revised Code or to submit an application for a 834  
program grant under the Ohio residential broadband expansion 835  
grant program. 836

**Sec. 122.4060.** (A) An eligible project shall not proceed 837  
unless the broadband expansion program authority awards a 838  
program grant under section 122.4043 of the Revised Code. 839

(B) After receiving a program grant award, the broadband provider shall construct and install last mile broadband infrastructure to the eligible project. 840  
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**Sec. 122.4061.** Under alternate payment term arrangements made under section 122.4025 of the Revised Code, unless otherwise negotiated, the participating legislative authorities in which the eligible project is located shall assume all financial responsibility for all of the eligible project costs incurred by the broadband provider prior to completion of the project or the award of a program grant. 843  
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**Sec. 122.4063.** (A) Nothing in sections 122.40 to 122.4077 of the Revised Code entitles the state of Ohio, the development services agency, the broadband expansion program authority, or any other governmental entity to any ownership or other rights to broadband infrastructure constructed by a broadband provider pursuant to a program grant awarded to an eligible project. 850  
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(B) Nothing in sections 122.40 to 122.4077 of the Revised Code prevents an assignment, sale, change in ownership, or other similar transaction associated with broadband infrastructure constructed by a broadband provider pursuant to a program grant awarded to an eligible project. No assignment, sale, change in ownership, or other similar transaction relieves the successor of any obligation under sections 122.40 to 122.4077 of the Revised Code. 856  
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**Sec. 122.4070.** (A) Each broadband provider that receives a program grant shall submit to the development services agency an annual progress report on the status of the deployment of the broadband network described in the eligible project for which the program grant award was made. 864  
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(B) The broadband provider shall submit an operational report with the agency not later than sixty days after the completion of the project and annually thereafter for a period of four years. 869  
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**Sec. 122.4071.** (A) The reports required under section 122.4070 of the Revised Code and except as provided in section 122.4075 of the Revised Code, all information and documents in them shall be in a format specified by the development services agency and shall be publicly available on the agency's web site. 873  
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(B) In each report, the broadband provider shall include an account of how program grant funds have been used and the project's progress toward fulfilling the objectives for which the program grant was awarded. The reports, at a minimum, shall include the following: 878  
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(1) The number of residences that have access to tier two broadband services as a result of the eligible project; 883  
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(2) The number of commercial and nonresidential entities that are not funded directly by the grant program but have access to tier two broadband service as a result of the eligible project; 885  
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(3) The upstream and downstream speed of the broadband service provided; 889  
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(4) The average price of broadband service; 891

(5) The number of broadband service subscriptions attributable to the program grant. 892  
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**Sec. 122.4073.** The development services agency may set a due date for the reports required under section 122.4070 of the Revised Code and, for good cause shown, may grant extensions of 894  
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the report due dates. 897

Sec. 122.4075. Reports required under section 122.4070 of 898  
the Revised Code, and all information and documents in them, 899  
shall be maintained on a confidential basis by the development 900  
services agency and shall not be published on the agency's web 901  
site until the agency determines what information or documents 902  
are not confidential pursuant to section 122.4023 of the Revised 903  
Code. 904

Sec. 122.4076. (A) The broadband expansion program 905  
authority shall complete an annual report for the Ohio 906  
residential broadband expansion grant program. The report shall 907  
evaluate the success of the program grants awarded under section 908  
122.4043 of the Revised Code in making tier two broadband 909  
services available to unserved and tier one areas. The report 910  
shall include the following information: 911

(1) The number of applications received; 912

(2) The number of applications that received program 913  
grants; 914

(3) The amount of broadband infrastructure constructed for 915  
eligible projects; 916

(4) The number of residences receiving, for that year, 917  
tier two broadband service for the first time under the program; 918

(5) Findings and recommendations that have been agreed to 919  
by a majority of the authority members. 920

(B) The report shall be published on the development 921  
services agency's web site and shall be included as part of the 922  
agency's annual report filed under section 121.18 of the Revised 923  
Code. The authority shall present the report annually to the 924

governor and the general assembly not later than the first of 925  
December of each calendar year. 926

**Sec. 122.4077.** (A) The development services agency shall 927  
adopt rules for the Ohio residential broadband expansion grant 928  
program. The rules shall establish an application form and 929  
application procedures for the program and procedures for 930  
periodic program grant disbursements. 931

(B) The rules may include the following: 932

(1) Requirements for a program application in addition to 933  
the requirements described in section 122.4020 of the Revised 934  
Code; 935

(2) Procedures for and circumstances under which partial 936  
funding of applications is permitted; 937

(3) Procedures for broadband expansion program authority 938  
meetings, extension periods for applications and application 939  
challenges, hearings, and opportunities for public comment. 940

(C) The agency may adopt rules and procedures to implement 941  
sections 122.4051, 122.4053, and 122.4055 of the Revised Code. 942

(D) Rules adopted under this section are not subject to 943  
section 121.95 of the Revised Code. 944

(E) The agency and the authority are not subject to 945  
division (F) of section 121.95 of the Revised Code regarding the 946  
development and adoption of rules pursuant to this section. 947

**Sec. 133.13.** If the special assessments are to be paid in 948  
one annual installment, the taxing authority of a subdivision 949  
may issue securities in anticipation of its levy or collection 950  
of special assessments to pay the costs of the subdivision's 951  
broadband funding gap portion for an eligible project under 952

sections 122.40 to 122.4077 of the Revised Code, lighting, 953  
sprinkling, sweeping, cleaning, providing related or similar 954  
services or the services described in section 727.011 of the 955  
Revised Code, or of removing snow, ice, and debris from, or 956  
treating the surface of, streets, alleys, and public ways and 957  
places. 958

Such securities shall not be general obligations of the 959  
issuing subdivision, and shall not pledge to the payment of debt 960  
charges any receipts other than the special assessments 961  
anticipated, except that a municipal corporation, without 962  
incurring debt subject to direct or indirect debt limitations, 963  
may also pledge and apply proceeds of its municipal income tax 964  
to pay those debt charges. No property tax shall be levied or 965  
pledged for the payment of debt charges on the securities. The 966  
securities shall mature no later than the last day of December 967  
of the year in which the special assessments anticipated are 968  
scheduled to be collected. 969

The legislation authorizing the securities shall 970  
appropriate the special assessments anticipated, and such 971  
special assessments shall be deemed to be pledged and 972  
appropriated, first to the payment of the debt charges on the 973  
securities. After provision has been made for the payment in 974  
full of those debt charges, the balance of the special 975  
assessments may be appropriated and applied for the purposes for 976  
which they were levied. 977

**Sec. 188.01.** As used in sections 188.01 to 188.23 of the 978  
Revised Code: 979

(A) "Broadband service" means any wholesale or retail 980  
service that consists of, or includes the provision of, 981  
connectivity to a high-speed, high-capacity transmission medium 982

that can carry signals from or to multiple sources and that 983  
either provides access to the internet or provides computer 984  
processing, information storage, information content or protocol 985  
conversion, including any service applications or information 986  
service provided over such high-speed access service. "Broadband 987  
service" includes video service, voice over internet protocol 988  
service, and internet protocol-enabled services. 989

(B) "Electric cooperative" has the same meaning as in 990  
section 4928.01 of the Revised Code. 991

(C) "Internet protocol-enabled services" and "voice over 992  
internet protocol service" have the same meanings as in section 993  
4927.01 of the Revised Code. 994

(D) "Servient estate" means the land burdened by an 995  
easement. 996

(E) "Video programming" means any programming generally 997  
considered comparable to programming provided by a television 998  
broadcast station. 999

(F) "Video service" means video programming services 1000  
without regard to delivery technology, including internet 1001  
protocol technology and video programming provided as a part of 1002  
a service that enables users to access content, information, 1003  
electronic mail, or other services offered over the public 1004  
internet. 1005

**Sec. 188.02.** An easement granted to an electric 1006  
cooperative for purposes of transmitting, delivering, or 1007  
otherwise providing electric power may be used, apportioned, or 1008  
subleased to provide broadband service and such use, 1009  
apportionment, or sublease shall not be considered an additional 1010  
burden on the servient estate. 1011

Sec. 188.05. (A) If the owner of the servient estate of an  
easement described in section 188.02 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  
the owner equal to not more than the difference between the  
following:

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

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

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

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

Sec. 188.08. The court may not grant injunctive relief or  
any other equitable relief for an action described in section  
188.05 of the Revised Code.

Sec. 188.11. Actions described in section 188.05 of the  
Revised Code shall be brought within one year of any alleged  
damage described in that section. Any action not brought within  
one year will result in forfeiture of that claim.

Sec. 188.14. Past, current, or future revenues or profits  
derived or to be derived from the use, apportionment, or  
sublease of an easement for broadband service are not admissible  
for any purpose in an action described in section 188.05 of the

Revised Code. 1041

Sec. 188.17. Any court determination regarding an easement 1042  
subject to an action described in section 188.05 of the Revised 1043  
Code shall be considered a finding that the provision of 1044  
broadband service is an allowable use or purpose under the 1045  
easement as if the use or purpose was specifically stated in the 1046  
terms of the easement. 1047

Sec. 188.20. A court determination described in section 1048  
188.17 of the Revised Code shall be filed by the defendant in 1049  
the action with the county recorder of the county in which the 1050  
servient estate subject to the determination is located. The 1051  
recorder shall make a notation in the official record that links 1052  
the determination to the servient estate and the easement 1053  
subject to the determination. 1054

Sec. 188.23. The owner of a servient estate of an easement 1055  
described in section 188.02 of the Revised Code may not bring an 1056  
action described in section 188.05 of the Revised Code if any of 1057  
the following apply: 1058

(A) The owner, either directly or through the owner's 1059  
membership in the electric cooperative or otherwise, authorized 1060  
the electric cooperative's electric delivery system for the 1061  
provision of broadband services. 1062

(B) The owner, or any of the previous owners of the 1063  
property that makes up the servient estate, has agreed to, or 1064  
granted permission for, the use of the easement to provide 1065  
broadband service. 1066

(C) The facilities providing broadband service are used or 1067  
are capable of being used to assist in the transmission, 1068  
delivery, or use of electric service. 1069

Sec. 188.27. Sections 188.01 to 188.23 of the Revised Code 1070  
shall not be construed as expanding the authority of the state, 1071  
its agencies, or political subdivisions beyond the authority 1072  
existing under federal law or the laws of this state. 1073

Sec. 188.30. Sections 163.01 to 163.22 of the Revised Code 1074  
do not apply regarding the application of sections 188.01 to 1075  
188.23 of the Revised Code. 1076

Sec. 303.251. (A) If a program grant is awarded for an 1077  
eligible project under sections 122.40 to 122.4077 of the 1078  
Revised Code, the board of county commissioners of the county in 1079  
which the project is situated, by resolution, may levy a special 1080  
assessment upon residential property within the county for the 1081  
purpose of providing a contribution from the county towards the 1082  
funding gap for the eligible project. Assessments under this 1083  
section shall be levied only upon the residential property that 1084  
is subject to the eligible project. Before adopting the 1085  
resolution, the board shall send written notice to each affected 1086  
property owner stating the estimated assessment for that 1087  
property. If an owner objects to the stated estimated 1088  
assessment, the owner shall file a written objection with the 1089  
board not later than two weeks after the notice is mailed. The 1090  
board shall review the written objections and may revise the 1091  
estimated assessments before adopting the resolution. If the 1092  
property owner objects to the final assessment for the property 1093  
levied in the resolution, the owner may appeal the final 1094  
assessment under Chapter 2506. of the Revised Code. 1095

(B) The assessment shall be at a rate that will produce a 1096  
total assessment that is not more than the county's contribution 1097  
towards the funding gap for the eligible project as described in 1098  
the application under section 122.4020 of the Revised Code. The 1099

board shall certify the amount to be levied upon each affected 1100  
property to the county auditor, who shall enter the amount on 1101  
the tax duplicate for collection by the county treasurer in 1102  
equal semiannual installments in the same manner and at the same 1103  
times as the collection of taxes on real property. Assessments 1104  
shall be paid by owners of the properties upon which assessments 1105  
are levied. 1106

(C) The assessments, when collected, shall be paid by the 1107  
county auditor by warrant on the county treasurer into a special 1108  
fund in the county treasury created for the purpose of funding 1109  
an eligible project for which a program grant is awarded under 1110  
sections 122.40 to 122.4077 of the Revised Code and that is 1111  
located in the county. The board may expend moneys from the fund 1112  
only for the purposes for which the assessments were levied. 1113

**Sec. 505.881.** (A) If a program grant is awarded for an 1114  
eligible project under sections 122.40 to 122.4077 of the 1115  
Revised Code, the board of township trustees in which the 1116  
project is situated, by resolution, may levy a special 1117  
assessment upon residential property within the township for the 1118  
purpose of providing a contribution from the township towards 1119  
the broadband funding gap for the eligible project. Assessments 1120  
under this section shall be levied only upon the residential 1121  
property that is subject to the eligible project. Before 1122  
adopting the resolution, the board shall send written notice to 1123  
each affected property owner stating the estimated assessment 1124  
for that property. If an owner objects to the stated estimated 1125  
assessment, the owner shall file a written objection with the 1126  
board not later than two weeks after the notice is mailed. The 1127  
board shall review the written objection and may revise the 1128  
estimated assessment before adopting the resolution. If the 1129  
property owner objects to the final assessment for the property 1130



levied in the resolution, the owner may appeal the final 1131  
assessment under Chapter 2506. of the Revised Code. 1132

(B) The assessment shall be at a rate that will produce a 1133  
total assessment that is not more than the township's 1134  
contribution towards the funding gap for the eligible project as 1135  
described in the application under section 122.4020 of the 1136  
Revised Code. The board shall certify the amount to be levied 1137  
upon each affected property to the county auditor, who shall 1138  
enter the amount on the tax duplicate for collection by the 1139  
county treasurer in equal semiannual installments in the same 1140  
manner and at the same times as the collection of taxes on real 1141  
property. Assessments shall be paid by owners of the properties 1142  
upon which assessments are levied. 1143

(C) The assessments, when collected, shall be paid by the 1144  
county auditor by warrant on the county treasurer into a special 1145  
fund in the township treasury created for the purpose of funding 1146  
an eligible project for which a program grant is awarded under 1147  
sections 122.40 to 122.4077 of the Revised Code and that is 1148  
located in the township. The board may expend moneys from the 1149  
fund only for the purposes for which the assessments were 1150  
levied. 1151

**Sec. 727.01.** Each municipal corporation shall have special 1152  
power to levy and collect special assessments. The legislative 1153  
authority of a municipal corporation may assess upon the 1154  
abutting, adjacent, and contiguous, or other specially 1155  
benefited, lots or lands in the municipal corporation, any part 1156  
of the cost connected with the improvement of any street, alley, 1157  
dock, wharf, pier, public road, place, boulevard, parkway, or 1158  
park entrance or an easement of the municipal corporation 1159  
available for the purpose of the improvement to be made in it by 1160

grading, draining, curbing, paving, repaving, repairing, 1161  
treating the surface with substances designed to lay the dust on 1162  
it or preserve it, constructing sidewalks, piers, wharves, 1163  
docks, retaining walls, sewers, sewage disposal works and 1164  
treatment plants, sewage pumping stations, water treatment 1165  
plants, water pumping stations, reservoirs, and water storage 1166  
tanks or standpipes, together with the facilities and 1167  
appurtenances necessary and proper therefor, drains, storm-water 1168  
retention basins, watercourses, water mains, or laying of water 1169  
pipe, or the lighting, sprinkling, sweeping, or cleaning 1170  
thereof, or removing snow therefrom, any part of the cost and 1171  
expense of planting, maintaining, and removing shade trees 1172  
thereupon; any part of the cost of a voluntary action, as 1173  
defined in section 3746.01 of the Revised Code, undertaken 1174  
pursuant to Chapter 3746. of the Revised Code by a special 1175  
improvement district created under Chapter 1710. of the Revised 1176  
Code, including the cost of acquiring property with respect to 1177  
which the voluntary action is undertaken; any part of the cost 1178  
and expense of constructing, maintaining, repairing, cleaning, 1179  
and enclosing ditches; any part of the cost and expense of 1180  
operating, maintaining, and replacing heating and cooling 1181  
facilities for enclosed pedestrian canopies and malls; any part 1182  
of the cost and expense of acquiring and improving parking 1183  
facilities and structures for off-street parking of motor 1184  
vehicles or of acquiring land and improving it by clearing, 1185  
grading, draining, paving, lighting, erecting, constructing, and 1186  
equipping it for parking facilities and structures for off- 1187  
street parking of motor vehicles, to the extent authorized by 1188  
section 717.05 of the Revised Code, but only if no special 1189  
assessment made for the purpose of developing off-street parking 1190  
facilities and structures is levied against any land being used 1191  
solely for off-street parking or against any land used solely 1192

for single or two-family dwellings; any part of the cost and 1193  
expense of operating and maintaining the off-street parking 1194  
facilities and structures; and any part of the cost connected 1195  
with changing the channel of, or narrowing, widening, dredging, 1196  
deepening, or improving, any stream or watercourse, and for 1197  
constructing or improving any levees or boulevards on any stream 1198  
or watercourse, or along or about any stream or watercourse, 1199  
together with any retaining wall, riprap protection, bulkhead, 1200  
culverts, approaches, flood gates, waterways, or drains 1201  
incidental to any stream or watercourse, or for making any other 1202  
improvement of any river or lake front, whether it is privately 1203  
or publicly owned, which the legislative authority declares 1204  
conducive to the public health, convenience, or welfare. If a 1205  
program grant is awarded for an eligible project under sections 1206  
122.40 to 122.4077 of the Revised Code, a municipal corporation 1207  
may levy, against dwellings that are subject to the project, a 1208  
special assessment for the purpose of providing a contribution 1209  
from the municipal corporation towards the funding gap for the 1210  
project. The assessment shall be at a rate that will produce a 1211  
total assessment that is not more than the municipal 1212  
corporation's contribution towards the funding gap for the 1213  
eligible project as described in the application under section 1214  
122.4020 of the Revised Code. In addition, a municipal 1215  
corporation may levy a special assessment for public improvement 1216  
or public services plans of a district formed under Chapter 1217  
1710. of the Revised Code, as provided in that chapter. Except 1218  
as otherwise provided in Chapter 1710. of the Revised Code, 1219  
special assessments may be levied by any of the following 1220  
methods: 1221

(A) By a percentage of the tax value of the property 1222  
assessed; 1223

(B) In proportion to the benefits that may result from the 1224  
improvement; 1225

(C) By the front foot of the property bounding and 1226  
abutting upon the improvement. 1227

Sec. 4926.01. As used in sections 4926.01 to 4926.60 of 1228  
the Revised Code: 1229

"Attachment" means any wire, wireless facility, cable, 1230  
antennae facility, or apparatus for the transmission of text, 1231  
signs, signals, pictures, sounds, or other forms of information 1232  
installed by or on behalf of a provider upon any pole owned or 1233  
controlled, in whole or in part, by one or more electric 1234  
cooperatives. 1235

"Broadband provider" has the same meaning as in section 1236  
122.40 of the Revised Code. 1237

"Electric cooperative" has the same meaning as in section 1238  
4928.01 of the Revised Code. 1239

"Incremental cost" means pole attachment costs incurred by 1240  
an electric cooperative for providing long-run service. 1241

"Make-ready work" means, as determined by the nature of 1242  
the work required, "make-ready," "complex make-ready," or 1243  
"simple make-ready" as those terms are defined in 47 C.F.R. 1244  
1.1402. 1245

"Provider" means a broadband provider, telecommunications 1246  
service provider, video service provider, or wireless service 1247  
provider. 1248

"Telecommunications service provider" means a provider of 1249  
"telecommunications service" as defined in section 4927.01 of 1250  
the Revised Code. 1251

"Video service provider" has the same meaning as in 1252  
section 1332.21 of the Revised Code. 1253

"Wireless service provider" has the same meaning as in 1254  
section 4927.01 of the Revised Code. 1255

**Sec. 4926.03.** On the request of a provider, an electric 1256  
cooperative shall grant the provider nondiscriminatory access to 1257  
the cooperative's poles under just and reasonable rates, terms, 1258  
and conditions for their attachments in accordance with sections 1259  
4926.06 to 4926.36 of the Revised Code. 1260

**Sec. 4926.06.** A provider requesting access to an electric 1261  
cooperative's poles shall submit the request in writing, and the 1262  
cooperative shall review the request under a uniformly applied, 1263  
efficient, and transparent process. 1264

**Sec. 4926.09.** An electric cooperative may require a 1265  
provider to execute an agreement for a pole attachment under 1266  
nondiscriminatory, just, and reasonable rates, terms, and 1267  
conditions in accordance with sections 4926.06 to 4926.36 of the 1268  
Revised Code if the cooperative requires all other attaching 1269  
parties to execute such an agreement. 1270

**Sec. 4926.12.** After receiving a request for access, an 1271  
electric cooperative shall grant or deny access within the time 1272  
frame established by the federal communications commission, 1273  
unless, pursuant to section 4926.57 of the Revised Code, a court 1274  
of common pleas determines a different time frame for granting 1275  
or denying access. 1276

**Sec. 4926.15.** An electric cooperative may deny a provider 1277  
access to its poles for either of the following reasons if the 1278  
reasons are applied on a nondiscriminatory basis: 1279

(A) Insufficient capacity; 1280

(B) Safety, reliability, or generally applicable 1281  
engineering standards. 1282

**Sec. 4926.18.** If an electric cooperative denies an access 1283  
request submitted under section 4926.15 of the Revised Code, the 1284  
cooperative must confirm the denial in writing. The denial shall 1285  
be specific and shall include all relevant evidence and 1286  
information supporting the denial and an explanation of how that 1287  
evidence and information relates to the factors described in 1288  
section 4926.15 of the Revised Code on which the denial is 1289  
based. 1290

**Sec. 4926.21.** (A) A provider and an electric cooperative 1291  
shall comply with the process for make-ready work under 47 1292  
U.S.C. 224 and the federal communications commission orders and 1293  
regulations implementing that section, unless, pursuant to 1294  
section 4926.57 of the Revised Code, a court of common pleas 1295  
establishes a different process for make-ready work. 1296

(B) The cooperative shall provide a good-faith estimate 1297  
for any make-ready work, which shall include pole replacement if 1298  
necessary. All make-ready costs shall be based on the 1299  
cooperative's actual costs not recovered through the annual 1300  
recurring attachment rate. The cooperative shall provide 1301  
detailed documentation of the actual costs. 1302

(C) A cooperative that charges an annual recurring 1303  
attachment fee shall establish the fee in accordance with the 1304  
cable pole attachment rate formula established in 47 U.S.C. 1305  
224(d) and commission orders and regulations implementing that 1306  
formula, unless, pursuant to section 4926.57 of the Revised 1307  
Code, a court of common pleas establishes a different attachment 1308  
fee. 1309

Sec. 4926.24. The attachment of facilities on the poles of 1310  
an electric cooperative by a provider shall comply with the 1311  
following: 1312

(A) The most recent, applicable, nondiscriminatory safety 1313  
and reliability standards adopted by the cooperative; 1314

(B) The national electric safety code adopted by the 1315  
institute of electrical and electronics engineers in effect on 1316  
the date of the attachment. 1317

Sec. 4926.27. Nothing in sections 4926.01 to 4926.60 of 1318  
the Revised Code affects a provider or other attaching party's 1319  
obligation to obtain any necessary authorization before 1320  
occupying public ways or private rights-of-way with its 1321  
attachment. 1322

Sec. 4926.30. If an electric cooperative's pole facility 1323  
is modified, a party with a preexisting attachment to the 1324  
modified facility is considered to directly benefit from a 1325  
modification if, after receiving notification of the 1326  
modification, the party adds to or modifies its attachment. 1327

Sec. 4926.33. (A) If an electric cooperative's pole 1328  
facility is modified, all parties that obtain access to the 1329  
facility as a result of the modification and all parties that 1330  
directly benefit from the modification shall share 1331  
proportionately in the cost of the modification. 1332

(B) If a party makes an attachment to the facility after 1333  
the completion of the modification, the party shall share 1334  
proportionately in the costs of the modification if that 1335  
modification rendered the added attachment possible. 1336

Sec. 4926.36. Unless a modification by an electric 1337  
cooperative is necessary for an electric service that uses smart 1338

grid or other technology, a party with a preexisting attachment 1339  
to a pole is not required to bear any of the costs of 1340  
rearranging or replacing its attachment if the rearrangement or 1341  
replacement is necessary because of another party's request for 1342  
an additional attachment or a modification of an existing 1343  
attachment. 1344

Sec. 4926.39. Subject to the venue requirements of 1345  
section 4926.43 of the Revised Code, an electric cooperative or 1346  
a provider may file a complaint regarding pole attachment 1347  
disputes with respect to sections 4926.01 to 4926.60 of the 1348  
Revised Code with the court of commons pleas of the county in 1349  
which the cooperative's Ohio headquarters is located. 1350

Sec. 4926.42. Subject to the venue requirements of section 1351  
4926.43 of the Revised Code, the court of common pleas of the 1352  
county in which an electric cooperative's Ohio headquarters is 1353  
located has jurisdiction to hear complaints and to grant 1354  
remedies with respect to sections 4926.01 to 4926.60 of the 1355  
Revised Code regarding attachment disputes for which a complaint 1356  
is filed. 1357

Sec. 4926.43. A hearing regarding a complaint filed under 1358  
section 4926.39 of the Revised Code is a special statutory 1359  
proceeding under division (C) of Civil Rule 1 of the Rules of 1360  
Civil Procedure. Any civil proceeding under section 4926.39 of 1361  
the Revised Code shall be conducted in accordance with the Rules 1362  
of Civil Procedure, except that a complaint regarding pole 1363  
attachment disputes with respect to sections 4926.01 to 4926.60 1364  
of the Revised Code is not subject to general venue provisions 1365  
in Civil Rule 3 of the Rules of Civil Procedure. To that extent 1366  
only, such proceedings shall be deemed a special statutory 1367  
proceeding under division (C)(8) of Civil Rule 1 of the Rules of 1368



Civil Procedure. 1369

Venue for such a proceeding shall lie only in the county 1370  
in which the cooperative's Ohio headquarters is located, 1371  
provided that at least some portion of the attachment will occur 1372  
in that county. In the event that the cooperative's Ohio 1373  
headquarters is not located in a county in which some portion of 1374  
the attachment will occur, or that more than one cooperative is 1375  
a party, venue shall lie only in the county in which the largest 1376  
physical portion of the attachment will occur. 1377

Court orders relative to venue are final orders pursuant 1378  
to division (B)(2) of section 2505.02 of the Revised Code. 1379  
Orders not specifically relating to venue are reviewable on 1380  
appeal in the same manner as judgments in any civil action. 1381

Land acquisition actions pursuant to Chapter 163. of the 1382  
Revised Code are not affected by this section and shall be heard 1383  
in a venue as provided in that chapter or Civil Rule 3 of the 1384  
Rules of Civil Procedure. 1385

**Sec. 4926.45.** Before a court of common pleas may order any 1386  
remedy under section 4926.57 of the Revised Code regarding a 1387  
pole attachment complaint filed with respect to sections 4926.01 1388  
to 4926.60 of the Revised Code, the court shall determine, and a 1389  
complainant shall establish, by a preponderance of the evidence, 1390  
each of the following: 1391

(A) That any rate, term, or condition complained of is not 1392  
just and reasonable or a denial of access was unlawful. 1393

(B) If the complaint concerns any rate, term, or 1394  
condition, that such rate, term, or condition is contained in, 1395  
or demanded by either party as a condition to entering into, 1396  
either: 1397

<u>(1) A new pole attachment agreement; or</u>	1398
<u>(2) An amendment, renewal, or replacement of an existing agreement that may be terminated, amended, renewed, or replaced on or after the effective date of this section;</u>	1399 1400 1401
<u>(C) If the complaint concerns any rate, term, or condition, that the provider and the electric cooperative first attempted to negotiate regarding the terms of a new, amended, renewed, or replaced agreement for a period of at least forty-five days prior to filing the complaint.</u>	1402 1403 1404 1405 1406
<b><u>Sec. 4926.48.</u></b> <u>(A) The complainant under section 4926.39 of the Revised Code has the burden of establishing a prima facie case that the rate, term, or condition complained of is not just and reasonable or that the denial of access was unlawful.</u>	1407 1408 1409 1410
<u>(B) In a case involving a denial of access, the electric cooperative has the burden of establishing, by a preponderance of the evidence, that the denial was lawful, once a prima facie case is established by the complainant.</u>	1411 1412 1413 1414
<b><u>Sec. 4926.51.</u></b> <u>In a complaint filed under section 4926.39 of the Revised Code, if an electric cooperative claims that the proposed rate is lower than its incremental costs, the cooperative has the burden of establishing, by a preponderance of the evidence, its incremental costs.</u>	1415 1416 1417 1418 1419
<b><u>Sec. 4926.54.</u></b> <u>In a complaint filed under section 4926.39 of the Revised Code, there is a rebuttable presumption that each of the following is just and reasonable:</u>	1420 1421 1422
<u>(A) The time frame to grant or deny access, if it is within the time frame established by the federal communications commission;</u>	1423 1424 1425

(B) The process for make-ready work, if it is in 1426  
accordance with the process for make-ready work under 47 U.S.C. 1427  
224 and the federal communications commission orders and 1428  
regulations implementing that section; 1429

(C) The charged rate, if the electric cooperative can show 1430  
that its charged rate does not exceed an annual recurring 1431  
attachment rate calculated in accordance with the cable pole 1432  
attachment rate formula in 47 U.S.C. 224(d) and federal 1433  
communications commission orders and regulations implementing 1434  
that formula. 1435

**Sec. 4926.57.** (A) If, pursuant to a complaint filed under 1436  
section 4926.39 of the Revised Code, a court of common pleas 1437  
determines that any rate, term, or condition described in the 1438  
complaint is not just and reasonable, it may do, but is not 1439  
limited to doing, any of the following: 1440

(1) Terminate the rate, term, or condition and prescribe a 1441  
just and reasonable rate, term, or condition; 1442

(2) Require entry into a pole attachment agreement on just 1443  
and reasonable rates, terms, and conditions; 1444

(3) Require access to poles as provided under sections 1445  
4926.06 to 4926.36 of the Revised Code; 1446

(4) Substitute in the pole attachment agreement the just 1447  
and reasonable rate, term, or condition established by the 1448  
court; 1449

(5) Order a refund or payment, as appropriate. 1450

(B) A refund or payment ordered under this section may not 1451  
exceed the difference between the actual amount paid under the 1452  
unjust and unreasonable rate, term, or condition and the amount 1453

that would have been paid under the rate, term, or condition 1454  
established by the court for the period described in the 1455  
complaint, provided that the period during which refunds or 1456  
payments are made does not exceed two years. 1457

**Sec. 4926.60.** A court of common pleas determination 1458  
resolving a complaint under sections 4926.39 to 4926.57 of the 1459  
Revised Code shall be issued in the form of a final appealable 1460  
order. 1461

**Section 2.** That existing sections 133.13 and 727.01 of the 1462  
Revised Code are hereby repealed. 1463

**Section 3.** All items in Section 4 of this act are hereby 1464  
appropriated as designated out of any moneys in the state 1465  
treasury to the credit of the designated fund. For all operating 1466  
appropriations made in that section, those in the first column 1467  
are for fiscal year 2020 and those in the second column are for 1468  
fiscal year 2021. The operating appropriations made in Section 4 1469  
of this act are in addition to any other operating 1470  
appropriations made for the FY 2020-FY 2021 biennium. 1471

**Section 4.** 1472

1473

	1	2	3	4	5
A					DEV DEVELOPMENT SERVICES AGENCY
B	General Revenue Fund				
C	GRF	195651	Residential Broadband Expansion Grants	\$0	\$20,000,000

D TOTAL GRF General Revenue Fund	\$0	\$20,000,000
E TOTAL ALL BUDGET FUND GROUPS	\$0	\$20,000,000

RESIDENTIAL BROADBAND EXPANSION GRANTS 1474

The foregoing appropriation item 195651, Residential 1475  
Broadband Expansion Grants, shall be used for grants under the 1476  
Ohio Residential Broadband Expansion Grant Program established 1477  
in section 122.401 of the Revised Code. 1478

Any unexpended and unencumbered portion of the foregoing 1479  
appropriation item 195651, Residential Broadband Expansion 1480  
Grants, at the end of fiscal year 2021 is hereby reappropriated 1481  
for the same purpose in fiscal year 2022. 1482

**Section 5.** Within the limits set forth in this act, the 1483  
Director of Budget and Management shall establish accounts 1484  
indicating the source and amount of funds for each appropriation 1485  
made in Section 4 of this act, and shall determine the form and 1486  
manner in which appropriation accounts shall be maintained. 1487  
Expenditures from operating appropriations contained in Section 1488  
4 of this act shall be accounted for as though made in H.B. 166 1489  
of the 133rd General Assembly. 1490

The operating appropriations made in Section 4 of this act 1491  
are subject to all provisions of H.B. 166 of the 133rd General 1492  
Assembly that are generally applicable to such appropriations. 1493

**Section 6.** All items in Section 7 of this act are hereby 1494  
appropriated as designated out of any moneys in the state 1495  
treasury to the credit of the designated fund. For all operating 1496  
appropriations made in Section 7 of this act, those in the first 1497  
column are for fiscal year 2022 and those in the second column 1498  
are for fiscal year 2023. The operating appropriations made in 1499

Section 7 of this act are in addition to any other operating 1500  
 appropriations made for the FY 2022-FY 2023 biennium. 1501

**Section 7.** 1502

1503

	1	2	3	4	5
A	DEV DEVELOPMENT SERVICES AGENCY				
B	General Revenue Fund				
C	GRF	195651	Residential	\$170,000,000	\$20,000,00
			Broadband		0
			Expansion		
			Grants		
D	TOTAL General Revenue Fund			\$170,000,000	\$20,000,00
					0
E	TOTAL ALL BUDGET FUND GROUPS			\$170,000,000	\$20,000,00
					0

RESIDENTIAL BROADBAND EXPANSION GRANTS 1504

The foregoing appropriation item 195651, Residential 1505  
 Broadband Expansion Grants, shall be used for grants under the 1506  
 Ohio Residential Broadband Expansion Grant Program established 1507  
 in section 122.401 of the Revised Code. 1508

Any unexpended and unencumbered portion of the foregoing 1509  
 appropriation item 195651, Residential Broadband Expansion 1510  
 Grants, at the end of fiscal year 2022 is hereby reappropriated 1511  
 for the same purpose in fiscal year 2023. 1512

**Section 8.** Within the limits set forth in this act, the 1513  
Director of Budget and Management shall establish accounts 1514  
indicating the source and amount of funds for each appropriation 1515  
made in Section 7 of this act, and shall determine the form and 1516  
manner in which appropriation accounts shall be maintained. 1517  
Expenditures from operating appropriations contained in Section 1518  
7 of this act shall be accounted for as though made in the main 1519  
operating appropriations act of the 134th General Assembly. The 1520  
operating appropriations made in Section 7 of this act are 1521  
subject to all provisions of the main operating appropriations 1522  
act of the 134th General Assembly that are generally applicable 1523  
to such appropriations. 1524

**Section 9.** This act is hereby declared to be an emergency 1525  
measure necessary for the immediate preservation of the public 1526  
peace, health, and safety. The reason for such necessity is that 1527  
the lack of broadband access in the state is an ongoing issue 1528  
that has become more urgent during the COVID-19 pandemic and 1529  
requires additional broadband infrastructure to be deployed at 1530  
the earliest possible date. Therefore, this act shall go into 1531  
immediate effect. 1532