
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2071 Session of
2021

INTRODUCED BY CAUSER, SNYDER, OWLETT, MARSHALL, PICKETT, MATZIE,
MAJOR, T. DAVIS AND ROAE, NOVEMBER 9, 2021

SENATOR PHILLIPS-HILL, COMMUNICATIONS AND TECHNOLOGY, IN SENATE,
AS AMENDED, DECEMBER 13, 2021

AN ACT

1 Amending Title 64 (Public Authorities and Quasi-Public
2 Corporations) of the Pennsylvania Consolidated Statutes,
3 establishing the Pennsylvania Broadband Development Authority
4 to provide broadband Internet access to unserved and
5 underserved residents; and providing for powers and duties of
6 the authority and for grant awards.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Title 64 of the Pennsylvania Consolidated
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 61

12 PENNSYLVANIA BROADBAND DEVELOPMENT AUTHORITY

13 Subchapter

14 A. General Provisions

15 B. Structure and Governance

16 C. Powers and Duties

17 SUBCHAPTER A

18 GENERAL PROVISIONS

19 Sec.

1 6101. Scope of chapter.

2 6102. Definitions.

3 § 6101. Scope of chapter.

4 This chapter relates to the development and expansion of
5 broadband services, INCLUDING to unserved and underserved areas <--
6 of this Commonwealth.

7 § 6102. Definitions.

8 The following words and phrase as used in this chapter shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Applicant." An entity that submits an application for a
12 grant under section 6124 (relating to grant applications and
13 process), including, but not limited to, a cooperative,
14 nonprofit organization, public-private partnership, private
15 company, public or private utility, public utility district ~~or,~~ <--
16 COUNCIL OF GOVERNMENTS, local government. OR ANY OTHER ENTITY <--
17 APPROVED BY THE BOARD, SUBJECT TO SECTION 6112(C)(1)(I)
18 (RELATING TO BOARD).

19 "Authority." The Pennsylvania Broadband Development
20 Authority established under section 6111(a) (relating to
21 authority).

22 "Board." The board of directors of the Pennsylvania
23 Broadband Development Authority established under section 6112
24 ~~(relating to board).~~ <--

25 "Community anchor institution." An entity, including any
26 school, library, health clinic, health center, hospital or other
27 medical provider, public safety entity, institution of higher
28 education, public housing organization or community support
29 organization, that facilitates greater use of broadband service
30 by vulnerable populations, including low-income individuals,

1 unemployed individuals and aged individuals, that lack access to
2 gigabit-level broadband service.

3 "Department." The Department of Community and Economic
4 Development.

5 "High-speed broadband service." Wireless, wireline or fixed
6 wireless technology having a latency sufficient to support real-
7 time, interactive applications and the capacity to reliably and
8 consistently transmit data from or to the Internet at:

9 (1) minimum speeds of at least 100 megabits per second
10 downstream FOR DOWNLOADS and 20 megabits per second upstream <--
11 FOR UPLOADS; <--

12 (2) minimum speeds adopted by the Federal Communications
13 Commission; or

14 (3) minimum speeds otherwise required to comply with
15 funding opportunities from the Federal Government, whichever
16 is greater.

17 "Overbuild." The deployment of high-speed broadband service
18 infrastructure in an area that is not unserved or underserved.

19 "Program." The grant program OR PROGRAMS established under <--
20 section 6123(a) (relating to grant awards generally) TO FUND <--
21 PROJECTS.

22 "PROJECT." A HIGH-SPEED BROADBAND SERVICE INFRASTRUCTURE <--
23 PROJECT OR OTHER BROADBAND PROJECT ALLOWABLE UNDER FEDERAL LAW
24 OR GUIDANCE.

25 "RELIABLE BROADBAND SERVICE." BROADBAND SERVICE THAT MEETS
26 PERFORMANCE CRITERIA FOR SERVICE AVAILABILITY, ADAPTABILITY TO
27 CHANGING END-USER REQUIREMENTS, LENGTH OF SERVICEABLE LIFE OR
28 OTHER CRITERIA, OTHER THAN UPLOAD AND DOWNLOAD SPEEDS, AS
29 DETERMINED BY THE AUTHORITY TO COMPLY WITH FEDERAL LAW OR
30 GUIDANCE.

1 "Statewide broadband plan." The Statewide broadband plan
2 developed under section 6122(g) (relating to specific powers and
3 duties).

4 "Underserved area." A project area that is not an unserved
5 location AREA and lacks access to reliable broadband service <--
6 offered with a speed of not less than 100 megabits per second
7 for downloads and 20 megabits per second for uploads and a
8 latency sufficient to support real-time, interactive
9 applications.

10 "Unserved area." A project area that has no access to
11 broadband service or lacks access to reliable broadband service
12 with a speed of not less than 25 megabits per second for
13 downloads and three megabits per second for uploads and a
14 latency sufficient to support real-time, interactive
15 applications.

16 SUBCHAPTER B

17 STRUCTURE AND GOVERNANCE

18 Sec.

19 6111. Authority.

20 6112. Board.

21 6113. Audits.

22 6114. Annual report.

23 6115. ~~Trust accounts~~ ACCOUNTS. <--

24 6116. Use of money of authority.

25 § 6111. Authority.

26 (a) Establishment.--The Pennsylvania Broadband Development
27 Authority is established as an independent authority. The
28 authority shall be an instrumentality of the Commonwealth and a
29 body corporate and politic, with corporate succession. The
30 exercise by the authority of the powers conferred on the

1 authority by this chapter shall be deemed and held to be a
2 public and essential government function.

3 (b) Governance.--The authority shall be governed by a board
4 of directors as provided in section 6112 (relating to board).
5 The powers of the authority shall be exercised by the board.

6 (c) Fiscal year.--The fiscal year of the authority shall be
7 the same as the fiscal year of the Commonwealth.

8 (d) Dissolution.--Upon dissolution of the authority, all
9 property, money and assets of the authority shall be vested in
10 the Commonwealth. The authority shall dissolve upon the elapse <--
11 of six years from the effective date of this section, unless
12 otherwise extended by the General Assembly. No later than six
13 months prior to the dissolution of the authority under this
14 subsection, the authority shall submit a report to the General
15 Assembly. The report shall include a status of all projects
16 under this chapter, a recommendation of whether the authority
17 needs additional time to accomplish the purposes of this chapter
18 and the anticipated timeline for completion of the authority's
19 work. LATER OF: <--

20 (1) TEN YEARS FROM THE EFFECTIVE DATE OF THIS SECTION;
21 OR

22 (2) ALL FEDERAL FUNDS AVAILABLE FOR THE PURPOSES OF THIS
23 CHAPTER HAVE BEEN EXHAUSTED AND ALL APPLICABLE DUTIES AND
24 RESPONSIBILITIES UNDER FEDERAL LAW OR GUIDANCE HAVE BEEN
25 COMPLETED.

26 (D.1) NOTICE.--PRIOR TO DISSOLUTION UNDER SUBSECTION (D),
27 THE AUTHORITY SHALL TRANSMIT NOTICE OF THE DISSOLUTION TO THE
28 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA
29 BULLETIN.

30 (e) Procurement.--The authority shall be considered an

1 independent agency for purposes of 62 Pa.C.S. Pt. I (relating to
2 Commonwealth Procurement Code).

3 (f) Applicability.--The following acts shall apply to the
4 authority and the board:

5 (1) The act of July 19, 1957 (P.L.1017, No.451), known
6 as the State Adverse Interest Act.

7 (2) The act of February 14, 2008 (P.L.6, No.3), known as
8 the Right-to-Know Law.

9 (3) The provisions of 65 Pa.C.S. Chs. 7 (relating to
10 open meetings) and 11 (relating to ethics standards and
11 financial disclosure).

12 § 6112. Board.

13 ~~(a) Composition.~~

<--

14 ~~(1) The board of directors of the authority shall~~
15 ~~consist of members selected as follows:~~

16 ~~(i) The Secretary of Agriculture or a designee.~~

17 ~~(ii) The Secretary of Community and Economic~~
18 ~~Development or a designee.~~

19 ~~(iii) The Secretary of Education or a designee.~~

20 ~~(iv) The executive director of the Center for Rural~~
21 ~~Pennsylvania or a designee.~~

22 ~~(v) The chair of the Pennsylvania Public Utility~~
23 ~~Commission or a designee.~~

24 ~~(vi) The Secretary of General Services or a~~
25 ~~designee.~~

26 ~~(vii) The Secretary of the Budget or a designee.~~

27 ~~(viii) One individual appointed by the President pro~~
28 ~~tempore of the Senate.~~

29 ~~(ix) One individual appointed by the Minority Leader~~
30 ~~of the Senate.~~

1 ~~(x) One individual appointed by the Speaker of the~~
2 ~~House of Representatives.~~

3 ~~(xi) One individual appointed by the Minority Leader~~
4 ~~of the House of Representatives.~~

5 ~~(2) A member under paragraph (1) (viii), (ix), (x) or~~
6 ~~(xi) shall be a member or employee of the General Assembly.~~

7 (A) COMPOSITION.--THE BOARD SHALL CONSIST OF MEMBERS <--
8 SELECTED AS FOLLOWS:

9 (1) THE SECRETARY OF AGRICULTURE OR A DESIGNEE WHO SHALL
10 BE AN EMPLOYEE OF THE DEPARTMENT OF AGRICULTURE.

11 (2) THE SECRETARY OF COMMUNITY AND ECONOMIC DEVELOPMENT
12 OR A DESIGNEE WHO SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF
13 COMMUNITY AND ECONOMIC DEVELOPMENT.

14 (3) THE SECRETARY OF EDUCATION OR A DESIGNEE WHO SHALL
15 BE AN EMPLOYEE OF THE DEPARTMENT OF EDUCATION.

16 (4) THE EXECUTIVE DIRECTOR OF THE CENTER FOR RURAL
17 PENNSYLVANIA OR A DESIGNEE WHO SHALL BE AN EMPLOYEE OF THE
18 CENTER OF RURAL PENNSYLVANIA.

19 (5) THE CHAIR OF THE PENNSYLVANIA PUBLIC UTILITY
20 COMMISSION OR A DESIGNEE WHO SHALL BE AN EMPLOYEE OF THE
21 PENNSYLVANIA PUBLIC UTILITY COMMISSION.

22 (6) THE SECRETARY OF GENERAL SERVICES OR A DESIGNEE WHO
23 SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF GENERAL SERVICES.

24 (7) THE SECRETARY OF THE BUDGET OR A DESIGNEE WHO SHALL
25 BE AN EMPLOYEE OF THE OFFICE OF THE BUDGET.

26 (8) ONE MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT
27 PRO TEMPORE OF THE SENATE OR A DESIGNEE WHO SHALL BE AN
28 EMPLOYEE OF THE SENATE.

29 (9) ONE MEMBER OF THE SENATE APPOINTED BY THE MINORITY
30 LEADER OF THE SENATE OR A DESIGNEE WHO SHALL BE AN EMPLOYEE

1 OF THE SENATE.

2 (10) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES
3 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR A
4 DESIGNEE WHO SHALL BE AN EMPLOYEE OF THE HOUSE OF
5 REPRESENTATIVES.

6 (11) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES
7 APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF
8 REPRESENTATIVES OR A DESIGNEE WHO SHALL BE AN EMPLOYEE OF THE
9 HOUSE OF REPRESENTATIVES.

10 (b) Organization.--The Governor shall select a member of the
11 board to serve as chairperson. The members shall select from
12 among themselves such officers as they deem necessary.

13 (c) Quorum and meetings.--

14 (1) Six members of the board shall constitute a quorum.
15 The following shall apply:

16 (i) The consent of no fewer than six members of the
17 board, with ~~four~~ FIVE of the consenting members as <--
18 specified under subsection ~~(a)(1)(vii), (viii), (ix), (x)~~ <--
19 ~~or (xi)~~ (A) (7), (8), (9), (10) AND (11), shall be <--
20 necessary to take action on and make a commitment on
21 behalf of the authority under section 6121(1), (2), (3),
22 (4), (5) and (6) (relating to corporate powers and duties
23 in general).

24 (ii) A majority of the board shall be necessary to
25 take any other action not specified under subparagraph
26 (i) on behalf of the authority.

27 (2) The board shall meet to conduct official business no
28 less than ~~a~~ ON A quarterly basis. <--

29 ~~(d) Designees. A public officer member of the board may~~ <--
30 ~~designate an officer or employee of the Commonwealth to~~

1 ~~represent the public officer member at meetings of the board.~~
2 ~~Each designee may lawfully vote and otherwise act on behalf of~~
3 ~~the public officer member. The designation shall be in writing~~
4 ~~delivered to the authority and shall continue in effect until~~
5 ~~revoked or amended in writing delivered to the authority.~~

6 (D) INITIAL APPOINTMENT AND VACANCY.--AN APPOINTING <--
7 AUTHORITY SHALL APPOINT INITIAL MEMBERS TO THE BOARD WITHIN 30
8 DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER. WHENEVER A VACANCY
9 OCCURS ON THE BOARD, THE APPOINTING AUTHORITY SHALL APPOINT A
10 SUCCESSOR MEMBER WITHIN 30 DAYS OF THE VACANCY.

11 (e) Services.--

12 (1) The department shall provide administrative services
13 and staff, including ~~legal~~ counsel AND LEGAL staff, to the <--
14 authority and the board. The authority shall reimburse the
15 department for the cost of providing the administrative
16 services and staff under this paragraph.

17 (2) The authority shall enter into an agreement with the
18 department specifying the rights and obligations that the
19 authority and department have in administering their duties
20 required under this chapter to implement the purposes of this <--
21 chapter.

22 (f) Compensation.--The members of the board shall not be
23 entitled to compensation for service.

24 (g) Fiduciary relationship.--The members of the board and
25 the professional personnel of the board shall stand in a
26 fiduciary relationship with the Commonwealth and the authority
27 as to the money and investments of the authority.

28 § 6113. Audits.

29 The accounts and books of the authority, including its
30 receipts, disbursements, contracts, mortgages, investments and

1 other matters relating to its finances, operations and affairs,
2 shall be examined and audited by the Auditor General.

3 § 6114. Annual report.

4 The board shall provide the Governor and the General Assembly
5 with an annual report by March 31 of each year detailing all
6 high speed infrastructure projects funded under section 6123 <--
7 (relating to grant awards generally). The annual report shall be
8 published and maintained on the authority's publicly accessible
9 Internet website and may be submitted to the Governor and the
10 General Assembly by electronic mail.

11 § 6115. ~~Trust accounts~~ ACCOUNTS. <--

12 The authority may establish ~~trust~~ accounts for the deposit of <--
13 money available to the authority for the purposes of this
14 chapter.

15 § 6116. Use of money of authority.

16 (a) Use.--The board shall use the money available to the
17 authority to fund the program as necessary.

18 (b) Administrative expenses.--The authority shall use the
19 money available to the authority to pay the administrative
20 expenses of the department and the authority incurred under this
21 chapter.

22 SUBCHAPTER C

23 POWERS AND DUTIES

24 Sec.

25 6121. Corporate powers and duties in general.

26 6122. Specific powers and duties.

27 6123. Grant awards generally.

28 6124. Grant applications and process.

29 § 6121. Corporate powers and duties in general.

30 The authority shall have and may exercise all powers

1 necessary or appropriate to carry out and effectuate the
2 authority's purposes under this chapter, including the
3 following:

4 (1) Adopt bylaws, if necessary.

5 (2) Make and execute contracts, grants and other
6 instruments.

7 (3) Apply for and receive money from any source
8 consistent with the purposes of this chapter, including
9 letters of intent and proposals under section 6122(f)
10 (relating to specific powers and duties).

11 (4) Establish priorities for and allocate and disburse
12 money received consistent with the purposes of this chapter.

13 (5) Establish subcommittees composed of members of the
14 board or nonmembers of the board to consult with and advise
15 the authority.

16 (6) Adopt a Statewide broadband plan.

17 (7) Perform other operational activities necessary or
18 appropriate to further the purposes of this chapter.

19 § 6122. Specific powers and duties.

20 (a) Single point of contact.--The authority shall aim to
21 serve as a single point of contact for entities wishing to
22 engage in broadband development and deployment in this
23 Commonwealth, including coordination of public and private
24 efforts to avoid ~~overbuilding of capacity~~ OVERBUILD in any given <--
25 geographic area and to efficiently utilize existing
26 infrastructure.

27 (b) Funding resource base.--In addition to providing the
28 financial assistance authorized by this chapter to support
29 broadband deployment, the authority shall identify and promote
30 opportunities to access Federal funding, nongovernmental

1 organization funding and other funding opportunities to
2 eliminate duplicative funding requests and synthesize multiple-
3 provider joint efforts in any given geographic area.

4 (c) Cooperation of other Commonwealth entities.--THE <--

5 AUTHORITY SHALL MAINTAIN A CENTRALIZED DATABASE OF ALL BROADBAND
6 DEPLOYMENT ACTIVITIES OCCURRING WITHIN COMMONWEALTH AGENCIES AND
7 DEPARTMENTS. All Commonwealth agencies and departments charged
8 with specific aspects of broadband development and deployment
9 shall communicate and cooperate with the authority so that the <--

10 authority can maintain a centralized database of all broadband
11 deployment activities occurring within this Commonwealth

12 REGARDING THE AUTHORITY'S DEVELOPMENT AND MAINTENANCE OF THE <--

13 CENTRALIZED DATABASE to avoid duplication of efforts as well as
14 provide consultation on their respective areas of expertise.

15 (d) Educational materials.--The authority may develop
16 educational materials and engage in public information campaigns
17 to encourage adoption of broadband where currently available and
18 increase consumer understanding of the need for broadband access
19 for all Commonwealth residents.

20 (e) Municipal best practices.--The authority may develop
21 best practices for municipalities to assist in streamlining <--

22 zoning processes in order to expedite broadband DEVELOPMENT AND <--
23 deployment.

24 (f) Letters of intent and proposals.--The authority shall be
25 responsible for drafting and filing all letters of intent,
26 initial and final proposals or other correspondence as required
27 to maximize access to the Broadband Equity, Access, and <--

28 Deployment Program as administered by the United States
29 Department of Commerce. TO FEDERAL FUNDING FOR BROADBAND <--
30 DEVELOPMENT AND DEPLOYMENT.

1 (g) Broadband plan.--The authority shall develop a Statewide
2 broadband plan in collaboration with local and regional entities
3 to advance broadband buildout, including equitable access and
4 digital literacy components, for the benefit of residents of
5 this Commonwealth and as necessary to facilitate access of
6 applicants to funding opportunities from the Federal Government.
7 The Statewide broadband plan shall also incorporate
8 opportunities to utilize Commonwealth assets to the extent
9 practicable. The Statewide broadband plan shall inure as
10 expeditiously as possible and no later than one year from the
11 effective date of this section. A political subdivision shall
12 have the opportunity to comment upon an initial Statewide
13 broadband plan proposal of the authority.

14 § 6123. Grant awards generally.

15 (a) Authorization.--The authority shall award grants under
16 one or more programs established by the authority TO FUND <--
17 PROJECTS, and the amount of the grants shall be limited to the
18 money available to the authority. The authority shall aim to
19 disburse all money available before dissolution under section
20 6111(d) (relating to authority).

21 ~~(b) Eligible entities. An~~ <--

22 (B) ELIGIBLE ENTITY.--THE FOLLOWING SHALL APPLY: <--

23 (1) FOR PROJECTS RELATED TO HIGH-SPEED BROADBAND SERVICE
24 INFRASTRUCTURE, AN applicant with the technical, managerial
25 and financial expertise to design, build and operate high-
26 speed broadband service infrastructure within this
27 Commonwealth shall be eligible to receive APPLY FOR a grant <--
28 from the authority for the DEVELOPMENT AND deployment of the <--
29 high-speed broadband service infrastructure. In order to
30 qualify for a grant from the authority, the applicant shall

1 commit to investing a minimum amount of the entity's private <--
2 capital to finance a proposed high-speed broadband service
3 infrastructure project as determined by the authority in
4 accordance with Federal law and OR guidance. <--

5 (2) FOR ALL OTHER PROJECTS, ELIGIBLE ENTITIES AND <--
6 MINIMUM INVESTMENT REQUIREMENTS SHALL BE DETERMINED BY THE
7 AUTHORITY IN ACCORDANCE WITH FEDERAL LAW OR GUIDANCE.

8 (c) Other funding sources.--A Federal, State or local
9 government grant, loan or subsidy received by an applicant to
10 finance a proposed high-speed broadband service infrastructure <--
11 project shall not be counted toward the private capital <--
12 investment requirement under subsection (b) unless otherwise
13 determined by the authority. An applicant may use a Federal,
14 State or local government grant, loan or subsidy to finance a
15 proposed high-speed broadband service infrastructure project <--
16 under subsection (b) if the entity satisfies the private capital <--
17 investment requirement under subsection (b).

18 (d) Ineligible projects.--Proposed projects that will result
19 in overbuild IN WHICH LESS THAN 80 PERCENT OF BROADBAND- <--
20 SERVICEABLE LOCATIONS SERVED BY THE PROPOSED PROJECT ARE
21 UNSERVED OR UNDERSERVED or are to be managed or operated by a
22 Federal or State entity shall be ineligible to receive a grant
23 from the authority under this section.

24 § 6124. Grant applications and process.

25 (a) Application period.--The authority shall establish an
26 application period during which applications for grants under
27 section 6123 (relating to grant awards generally) may be
28 submitted to the authority. The application period under this
29 subsection shall be for a period of no less than 60 days and no
30 longer than 120 days.

1 (b) Form and contents.--An application for a grant under
2 section 6123 shall be submitted to the authority and shall
3 include
4 information required by Federal law or guidance ~~or~~ AND <--
5 any other information required by the authority. The
6 authority shall develop an application form and post and make
7 the application form available on the authority's publicly
8 accessible Internet website.

9 (c) Availability for review.--Within 10 business days after
10 the expiration of the application period under subsection (a),
11 the authority shall make the proposed unserved ~~or~~ AREAS, <--
12 underserved areas and the community anchor institutions
13 available for review on the authority's publicly accessible
14 Internet website.

15 (d) Overbuild challenges.--Before awarding grant funds FOR <--
16 THE DEVELOPMENT AND DEPLOYMENT OF BROADBAND NETWORKS under
17 section 6123, the authority shall ensure a transparent,
18 evidence-based and expeditious challenge process under which a <--
19 unit of local government, nonprofit organization or broadband
20 service provider AN ENTITY ELIGIBLE TO BE AN APPLICANT may <--
21 challenge a proposed project on the grounds that awarding a
22 grant under section 6123 to the applicant will result in an
23 overbuild. After resolving each challenge under this subsection,
24 and not later than 60 days before awarding grant funds FOR THE <--
25 DEVELOPMENT AND DEPLOYMENT OF BROADBAND NETWORKS under section
26 6123, the authority shall provide public notice of the final
27 classification of each unserved ~~and~~ AREA, underserved ~~location~~ <--
28 ~~or~~ AREA AND community anchor institution within the <--
29 Commonwealth. A unit of local government, nonprofit organization <--
30 or other broadband service provider shall submit a challenge

1 ~~under this subsection in writing to the authority, and the~~
2 ~~challenge~~ IF AN ENTITY ELIGIBLE TO BE AN APPLICANT SUBMITS A <--
3 CHALLENGE UNDER THIS SUBSECTION, THE CHALLENGE SHALL BE IN
4 WRITING AND ON A FORM DEVELOPED BY THE AUTHORITY AND shall
5 include all of the following information:

6 (1) A declaration disputing ~~that the proposed high speed~~<--
7 ~~broadband service infrastructure project area is unserved or~~
8 ~~underserved.~~ THE ELIGIBILITY OF THE PROPOSED PROJECT, <--
9 INCLUDING WHETHER A PARTICULAR LOCATION IS IN AN UNSERVED
10 AREA OR UNDERSERVED AREA.

11 (2) An affidavit from the broadband service provider of
12 the provider's existing or planned provision of high-speed
13 broadband service within the proposed ~~high-speed broadband~~ <--
14 ~~service infrastructure project area.~~

15 (e) Review.--In reviewing an application and any
16 accompanying challenge under this section, the authority shall
17 ensure that the grant award under section 6123 FOR THE <--
18 DEVELOPMENT AND DEPLOYMENT OF BROADBAND NETWORKS is used to
19 deploy high-speed broadband service ~~infrastructure~~ to unserved <--
20 or underserved areas AS REQUIRED BY FEDERAL LAW OR GUIDANCE. The <--
21 authority may not award a grant under section 6123 to fund
22 deployment of high-speed broadband service ~~infrastructure~~ for a <--
23 project area that results in an overbuild.

24 (f) ~~Criteria~~ INFRASTRUCTURE CRITERIA.--The ~~authority~~ BOARD <--
25 shall award grants under section 6123 for proposed high-speed
26 broadband service infrastructure projects based upon a scoring
27 system, which shall be released to the public at least 30 days
28 before the beginning of the application period under subsection
29 (a). The authority shall consider all of the following criteria
30 when weighing or scoring an application for a grant under

1 section 6123:

2 (1) The size and scope of the unserved or underserved
3 area to be deployed.

4 (2) The experience, technical ability and financial
5 capability of the applicant to successfully deploy high-speed
6 broadband service infrastructure and provide high-speed
7 broadband service.

8 ~~(3) The length of time which the applicant has been~~ <--
9 ~~providing high speed broadband or utility service.~~

10 ~~(4) (3) The extent to which Federal, State or local~~ <--
11 ~~government funding support is necessary to DEVELOP AND deploy~~ <--
12 ~~high-speed broadband network SERVICE infrastructure in an~~ <--
13 ~~economically feasible manner in the proposed project area.~~

14 ~~(5) (4) The proportion of the private capital pledged by~~ <--
15 ~~the applicant to finance the proposed high-speed broadband~~
16 ~~service infrastructure project under subsection (b).~~

17 ~~(6) (5) The high-speed broadband service speed~~ <--
18 ~~thresholds proposed in the application and the scalability of~~
19 ~~the high-speed broadband service infrastructure proposed to~~
20 ~~be deployed to provide high-speed broadband service to~~
21 ~~households and businesses.~~

22 ~~(7) (6) An affidavit that no grant funding shall be used~~ <--
23 ~~to overbuild an area that is already served with high speed~~ <--
24 ~~broadband service. IN SUCH A MANNER AS TO RESULT IN AN~~ <--
25 ~~OVERBUILD.~~

26 (7) AN AFFIDAVIT THAT AN APPLICANT SHALL ENSURE THAT A
27 CONTRACTOR OR SUBCONTRACTOR PERFORMING CONSTRUCTION,
28 RECONSTRUCTION, DEMOLITION, REPAIR OR MAINTENANCE WORK ON A
29 HIGH-SPEED BROADBAND SERVICE INFRASTRUCTURE PROJECT DEVELOPED
30 AND DEPLOYED UNDER THIS CHAPTER MEETS ALL OF THE FOLLOWING

1 REQUIREMENTS:

2 (I) MAINTAINS ALL VALID LICENSES, REGISTRATIONS OR
3 CERTIFICATES REQUIRED BY THE FEDERAL GOVERNMENT, THE
4 COMMONWEALTH OR A LOCAL GOVERNMENT ENTITY THAT IS
5 NECESSARY TO DO BUSINESS OR PERFORM APPLICABLE WORK.

6 (II) MAINTAINS COMPLIANCE WITH THE ACT OF JUNE 2,
7 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS'
8 COMPENSATION ACT, THE ACT OF DECEMBER 5, 1936 (2ND
9 SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT
10 COMPENSATION LAW, AND BONDING AND LIABILITY INSURANCE
11 REQUIREMENTS AS SPECIFIED IN THE CONTRACT FOR THE
12 PROJECT.

13 (III) HAS NOT DEFAULTED ON A PROJECT, DECLARED
14 BANKRUPTCY, BEEN DEBARRED OR SUSPENDED ON A PROJECT BY
15 THE FEDERAL GOVERNMENT, THE COMMONWEALTH OR A LOCAL
16 GOVERNMENT ENTITY WITHIN THE PREVIOUS THREE YEARS.

17 (IV) HAS NOT BEEN CONVICTED OF A MISDEMEANOR OR
18 FELONY RELATING TO THE PERFORMANCE OR OPERATION OF THE
19 BUSINESS OF THE CONTRACTOR OR SUBCONTRACTOR WITHIN THE
20 PREVIOUS 10 YEARS.

21 (V) HAS COMPLETED A MINIMUM OF THE UNITED STATES
22 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION'S 10-HOUR
23 SAFETY TRAINING COURSE OR SIMILAR TRAINING SUFFICIENT TO
24 PREPARE WORKERS FOR ANY HAZARDS THAT MAY BE ENCOUNTERED
25 DURING THEIR WORK ON THE HIGH-SPEED BROADBAND SERVICE
26 INFRASTRUCTURE.

27 (8) Other factors which the authority determines to be
28 reasonable and appropriate for the purposes of this chapter.

29 (F.1) OTHER PROJECT CRITERIA.--THE BOARD SHALL AWARD GRANTS <--
30 UNDER SECTION 6123 FOR ALL OTHER PROJECTS BASED UPON A SCORING

1 SYSTEM, WHICH SHALL BE RELEASED TO THE PUBLIC AT LEAST 30 DAYS
2 BEFORE THE BEGINNING OF THE APPLICATION PERIOD UNDER SUBSECTION
3 (A). THE AUTHORITY SHALL DETERMINE THE CRITERIA WHEN WEIGHING OR
4 SCORING AN APPLICATION FOR A GRANT UNDER SECTION 6123 BASED ON
5 FEDERAL LAW OR GUIDANCE AND OTHER FACTORS WHICH THE AUTHORITY
6 DETERMINES TO BE REASONABLE AND APPROPRIATE FOR THE PURPOSES OF
7 THIS CHAPTER.

8 (g) Regulatory obligations.--In awarding grants under
9 section 6123, the authority shall not consider any additional
10 regulatory obligations, except as required under applicable
11 Federal or State law.

12 (h) Time for project completion.--Applicants shall deploy
13 the broadband network and begin providing service to each
14 customer that desires service not later than four years after
15 the date in which the applicant receives a grant unless
16 otherwise extended by the authority as AND allowed by Federal <--
17 law and OR guidance. Grant funds awarded to an applicant who <--
18 fails to complete a proposed high-speed broadband service <--
19 infrastructure project within four years, unless otherwise
20 extended by the authority, may be subject to refund or clawback
21 by the authority. or the Auditor General, regardless of the <--
22 dissolution of the authority under section 6111(d). Grant funds
23 that are subject to repayment shall be made available for the
24 Unserved High Speed Broadband Funding Program.

25 Section 2. This act shall take effect in 60 days <--
26 IMMEDIATELY. <--