

1 S.96

2 Introduced by Senator Ashe

3 Referred to Committee on

4 Date:

5 Subject: Telecommunications; Department of Public Service; Division for

6 Telecommunications and Connectivity; Advisory Board; Vermont

7 Universal Service Fund; fiscal agent; Connectivity Fund; High-Cost

8 Program; Connectivity Initiative

9 Statement of purpose of bill as introduced: This bill proposes to establish a  
10 Division for Telecommunications and Connectivity within the Department of  
11 Public Service, create a Telecommunications and Connectivity Advisory  
12 Board, and make various other amendments and clarifications regarding the  
13 Vermont Universal Service Fund fiscal agent, the Connectivity Fund, the  
14 High-Cost Program, and the Connectivity Initiative.

15 An act relating to creating a Division for Telecommunications and  
16 Connectivity within the Department of Public Service

17 It is hereby enacted by the General Assembly of the State of Vermont:

18 Sec. 1. REPEAL

19 3 V.S.A. § 2225 (creating the Division for Connectivity within the Agency  
20 of Administration) and 2014 Acts and Resolves No. 190, Secs. 12 (Division

1 for Connectivity), 14 (creation of positions; transfer; reemployment rights),  
2 and 30(a)(2) and (b) (statutory revision authority regarding the Division for  
3 Connectivity) are repealed.

4 Sec. 2. 30 V.S.A. § 1 is amended to read:

5 § 1. COMPOSITION OF DEPARTMENT

6 (a) The ~~department of public service~~ Department of Public Service shall  
7 consist of the ~~commissioner of public service, a director for regulated utility~~  
8 ~~planning, a director for public advocacy, a director for energy efficiency~~  
9 Commissioner of Public Service, a Director for Regulated Utility Planning,  
10 a Director for Public Advocacy, a Director for Energy Efficiency, a Director  
11 for Telecommunications and Connectivity, and such other persons as the  
12 ~~commissioner~~ Commissioner considers necessary to conduct the business of  
13 the ~~department~~ Department.

14 (b) The ~~commissioner of public service~~ Commissioner shall be appointed  
15 by the ~~governor~~ Governor with the advice and consent of the ~~senate~~ Senate.  
16 The ~~commissioner of public service~~ Commissioner shall serve for a term of  
17 two years beginning on February 1 of the year in which the appointment is  
18 made. The ~~commissioner~~ Commissioner shall serve at the pleasure of the  
19 ~~governor~~ Governor. The ~~directors for regulated utility planning, for energy~~  
20 ~~efficiency and for public advocacy~~ Directors for Regulated Utility Planning,  
21 for Public Advocacy, and for Energy Efficiency shall be appointed by the

1 ~~commissioner~~ Commissioner. The Director for Telecommunications and  
2 Connectivity shall be appointed by the Commissioner in consultation with the  
3 Secretary of Administration.

4 (c) The ~~director for public advocacy~~ Directors for Public Advocacy and for  
5 Telecommunications and Connectivity may employ, with the approval of the  
6 ~~commissioner~~ Commissioner, legal counsel and other experts, and clerical  
7 assistance, and the ~~directors of regulated utility planning and energy efficiency~~  
8 Directors for Regulated Utility Planning and for Energy Efficiency may  
9 employ, with the approval of the ~~commissioner~~ Commissioner, experts and  
10 clerical assistance.

11 Sec. 3. 30 V.S.A. § 202d is amended to read:

12 § 202d. TELECOMMUNICATIONS PLAN

13 (a) The Department of Public Service shall constitute the responsible  
14 planning agency of the State for the purpose of obtaining for all consumers in  
15 the State stable and predictable rates and a technologically advanced  
16 telecommunications network serving all service areas in the State. The  
17 Department shall be responsible for the provision of plans for meeting  
18 emerging trends related to telecommunications technology, markets, financing,  
19 and competition.

20 (b) The Department shall prepare a Telecommunications Plan for the State.  
21 The Department of Innovation and Information, ~~the Division for Connectivity~~

1 and the Agency of Commerce and Community Development shall assist the  
2 Department of ~~Public Service~~ in preparing the Plan. The Plan shall be for a  
3 ten-year period and shall serve as a basis for State telecommunications policy.

4 Prior to preparing the Plan, the Department shall prepare:

5 (1) an overview, looking ten years ahead, of future requirements for  
6 telecommunications services, considering services needed for economic  
7 development, technological advances, and other trends and factors which, as  
8 determined by the Department of Public Service, will significantly affect State  
9 telecommunications policy and programs;

10 (2) a survey of Vermont residents and businesses, conducted in  
11 cooperation with the Agency of Commerce and Community Development ~~and~~  
12 ~~the Division for Connectivity~~, to determine what telecommunications services  
13 are needed now and in the succeeding ten years;

14 (3) an assessment of the current state of telecommunications  
15 infrastructure;

16 (4) an assessment, conducted in cooperation with the Department of  
17 Innovation and Information ~~and the Division for Connectivity~~, of the current  
18 State telecommunications system and evaluation of alternative proposals for  
19 upgrading the system to provide the best available and affordable technology  
20 for use by government; and

1           (5) an assessment of the state of telecommunications networks and  
2 services in Vermont relative to other states, including price comparisons for  
3 key services and comparisons of the state of technology deployment.

4           (c) In developing the Plan, the Department shall take into account the State  
5 telecommunications policies and goals of section 202c of this title.

6           (d) In establishing plans, public hearings shall be held and the Department  
7 shall consult with members of the public, representatives of  
8 telecommunications utilities, other providers, and other interested State  
9 agencies, particularly the Agency of Commerce and Community Development,  
10 ~~the Division for Connectivity~~, and the Department of Innovation and  
11 Information, whose views shall be considered in preparation of the Plan. To  
12 the extent necessary, the Department shall include in the Plan surveys to  
13 determine existing, needed, and desirable plant improvements and extensions,  
14 access and coordination between telecommunications providers, methods of  
15 operations, and any change that will produce better service or reduce costs. To  
16 this end, the Department may require the submission of data by each company  
17 subject to supervision by the Public Service Board.

18           (e) Before adopting a Plan, the Department shall conduct public hearings  
19 on a final draft and shall consider the testimony presented at such hearings in  
20 preparing the final Plan. At least one hearing shall be held jointly with  
21 Committees of the General Assembly designated by the General Assembly for

1 this purpose. The Plan shall be adopted by September 1, 2014, and then  
2 reviewed and updated as provided in subsection (f) of this section.

3 (f) The Department, from time to time, but in no event less than every three  
4 years, institute proceedings to review ~~a~~ the Plan and make revisions, where  
5 necessary. The three-year major review shall be made according to the  
6 procedures established in this section for initial adoption of the Plan. For good  
7 cause or upon request by a Joint Resolution passed by the General Assembly,  
8 an interim review and revision of any section of the Plan may be made after  
9 conducting public hearings on the interim revision. At least one hearing shall  
10 be held jointly with Committees of the General Assembly designated by the  
11 General Assembly for this purpose.

12 (g) The Department shall review and update the minimum technical service  
13 characteristic objectives not less than every three years beginning in 2017. In  
14 the event such review is conducted separately from an update of the Plan, the  
15 Department shall issue revised minimum technical service characteristic  
16 objectives as an amendment to the Plan.

17 Sec. 4. 30 V.S.A. § 202e is added to read:

18 § 202e. TELECOMMUNICATIONS AND CONNECTIVITY

19 (a) Among other powers and duties specified in this title, the Department of  
20 Public Service, through the Division for Telecommunications and  
21 Connectivity, shall promote:

1           (1) access to affordable broadband service to all residences and  
2           businesses in all regions of the State, to be achieved in a manner that is  
3           consistent with the State Telecommunications Plan;

4           (2) universal availability of mobile telecommunication services,  
5           including voice and high-speed data along roadways, and near universal  
6           availability statewide;

7           (3) investment in telecommunications infrastructure in the State that  
8           creates or completes the network for service providers to create last-mile  
9           connection to the home or business and supports the best available and  
10          economically feasible service capabilities;

11          (4) the continuous upgrading of telecommunications and broadband  
12          infrastructure in all areas of the State to reflect the rapid evolution in the  
13          capabilities of available mobile telecommunications and broadband  
14          technologies, the capabilities of mobile telecommunications and broadband  
15          services needed by persons, businesses, and institutions in the State; and

16          (5) the most efficient use of both public and private resources through  
17          State policies by encouraging the development of open access  
18          telecommunications infrastructure that can be shared by multiple service  
19          providers.

1        (b) To achieve the goals specified in subsection (a) of this section, the

2        Division shall:

3            (1) provide resources to local, regional, public, and private entities in the  
4        form of grants, technical assistance, coordination, and other incentives;

5            (2) prioritize the use of existing buildings and structures, historic or  
6        otherwise, as sites for visually-neutral placement of mobile  
7        telecommunications and wireless broadband antenna facilities;

8            (3) inventory and assess the potential to use federal radio frequency  
9        licenses held by instrumentalities of the State to enable broadband service in  
10       unserved areas of the State; take steps to promote the use of those licensed  
11       radio frequencies for that purpose; and recommend to the General Assembly  
12       any further legislative measures with respect to ownership, management, and  
13       use of these licenses as would promote the general good of the State;

14           (4) coordinate telecommunications initiatives among Executive Branch  
15       agencies, departments, and offices;

16           (5) identify the types and locations of infrastructure and services needed  
17       to carry out the goals stated in subsection (a) of this section;

18           (6) formulate an action plan that conforms with the State  
19       Telecommunications Plan and carries out the goals stated in subsection (a) of  
20       this section;



1           (7) coordinate the agencies of the State to make public resources  
2           available to support the extension of mobile telecommunications and  
3           broadband infrastructure and services to all unserved areas;

4           (8) support and facilitate initiatives to extend the availability of mobile  
5           telecommunications and broadband services, and promote development of the  
6           infrastructure that enables the provision of these services;

7           (9) through the Department of Innovation and Information, aggregate  
8           and broker access at reduced prices to services and facilities required to  
9           provide wireless telecommunications and broadband services; and waive or  
10          reduce State fees for access to State-owned rights-of-way in exchange for  
11          comparable value to the State, unless payment for use is otherwise required by  
12          federal law; and

13          (10) receive all technical and administrative assistance as deemed  
14          necessary by the Director for Telecommunications and Connectivity.

15          (c)(1) The Director may request from telecommunications service  
16          providers voluntary disclosure of information regarding deployment of  
17          broadband, telecommunications facilities, or advanced metering infrastructure  
18          that is not publicly funded. Such information may include data identifying  
19          projected coverage areas, projected average speed of service, service type, and  
20          the anticipated date of completion in addition to identifying the location and  
21          routes of proposed cables, wires, and telecommunications facilities.

1           (2) The Director may enter into a nondisclosure agreement with respect  
2           to any voluntary disclosures under this subsection, and the information  
3           disclosed pursuant thereto shall remain confidential. Alternatively, entities that  
4           voluntarily provide information requested under this subsection may select a  
5           third party to be the recipient of such information. The third party may  
6           aggregate information provided by the entities, but shall not disclose  
7           provider-specific information it has received under this subsection to any  
8           person, including the Director. The third party shall only disclose the  
9           aggregated information to the Director. The Director may publicly disclose  
10           aggregated information based upon the information provided under this  
11           subsection. The confidentiality requirements of this subsection shall not affect  
12           whether information provided to any agency of the State or a political  
13           subdivision of the State pursuant to other laws is or is not subject to disclosure.

14           (d) The Division shall only promote the expansion of broadband services  
15           that offer actual speeds that meet or exceed the minimum technical service  
16           characteristic objectives contained in the State's Telecommunications Plan.

17           (e) Notwithstanding 2 V.S.A. § 20(d), on or before January 15 of each year,  
18           the Director shall submit a report of its activities for the preceding fiscal year  
19           to the General Assembly. Each report shall include an operating and financial  
20           statement covering the Division's operations during the year, including a  
21           summary of all grant awards and contracts and agreements entered into by the

1 Division, as well as the action plan required under subdivision (b)(6) of this  
2 section. In addition, the report shall include an accurate map and narrative  
3 description of each of the following:

4 (1) the areas served and the areas not served by wireless  
5 communications service, and cost estimates for providing such service to  
6 unserved areas;

7 (2) the areas served and the areas not served by broadband that has a  
8 download speed of at least 0.768 Mbps and an upload speed of at least 0.2  
9 Mbps, and cost estimates for providing such service to unserved areas;

10 (3) the areas served and the areas not served by broadband that has a  
11 combined download and upload speed of at least 5 Mbps, and the costs for  
12 providing such service to unserved areas; and

13 (4) the areas served and the areas not served by broadband that has a  
14 download speed of at least 100 Mbps and is symmetrical, and the costs for  
15 providing such service to unserved areas.

16 Sec. 5. 30 V.S.A. § 202f is added to read:

17 § 202f. TELECOMMUNICATIONS AND CONNECTIVITY ADVISORY

18 BOARD

19 (a) There is created a Telecommunications and Connectivity Advisory  
20 Board for the purpose of making recommendations to the Commissioner of  
21 Public Service regarding his or her telecommunications responsibilities and

1 duties under this title. The Advisory Board shall consist of nine members  
2 selected as follows:

3 (1) the State Treasurer or his or her designee;

4 (2) the Secretary of Administration or his or her designee;

5 (3) the Secretary of Commerce and Community Development or his or  
6 her designee;

7 (4) one member of the House of Representatives appointed by the  
8 Speaker of the House;

9 (5) one member of the Senate appointed by the Committee on  
10 Committees of the Senate; and

11 (6) four at-large members appointed by the Governor, who may not be  
12 employees or officers of the State at the time of appointment.

13 (b) A quorum of the Advisory Board shall consist of five members. No  
14 action of the Advisory Board shall be considered valid unless the action is  
15 supported by a majority vote of the members present and voting and then only  
16 if at least four members vote in favor of the action. The Governor shall select,  
17 from among the at-large members, a Chair and vice chair, who may not be  
18 members of the General Assembly or employees or officers of the State at the  
19 time of the appointment.

20 (c) In making appointments of at-large and legislative members and the  
21 Chair, the appointing authorities shall give consideration to citizens of the

1 State with knowledge of telecommunications technology, telecommunications  
2 regulatory law, transportation rights-of-way and infrastructure, finance, and  
3 environmental permitting. However, the legislative and four at-large members  
4 may not be persons with a financial interest in or owners or employees of an  
5 enterprise that provides broadband or cellular service or that is seeking in-kind  
6 or financial support from the Department of Public Service. The conflict of  
7 interest provision in this subsection shall not be construed to disqualify a  
8 member who has ownership in a mutual fund, exchange traded fund, pension  
9 plan, or similar entity that owns shares in such enterprises as part of a broadly  
10 diversified portfolio. In addition, at least one at-large member shall represent  
11 an area of Vermont determined by the Commissioner to be unserved by  
12 broadband at the time of his or her appointment or reappointment, and at least  
13 one at-large member shall represent an area of Vermont determined by the  
14 Commissioner to be unserved by mobile telecommunications at the time of his  
15 or her appointment or reappointment. The legislative and at-large members  
16 shall serve terms of two years beginning February 1 in odd-numbered years,  
17 and until their successors are appointed and qualified. However, three of the  
18 four at-large members first appointed by the Governor shall serve an initial  
19 term of three years. Vacancies shall be filled by the respective appointing  
20 bodies for the balance of the unexpired term. A member may be reappointed  
21 for up to three consecutive terms. Upon completion of a term of service for

1 any reason, including the term's expiration or a member's resignation, and for  
2 one year from the date of such completion, a former Board member shall not  
3 advocate before the Department on behalf of an enterprise that provides  
4 broadband or cellular service.

5 (d) Except for those members otherwise regularly employed by the State,  
6 the compensation of the Advisory Board's members is that provided by  
7 32 V.S.A. § 1010(a). All members of the Advisory Board, including those  
8 members otherwise regularly employed by the State, shall receive their actual  
9 and necessary expenses when away from home or office upon their official  
10 duties.

11 (e) In performing its duties, the Advisory Board may use the legal and  
12 technical resources of the Department of Public Service. The Department of  
13 Public Service shall provide the Board with administrative services.

14 (f) At least annually, the Advisory Board and the Commissioner or  
15 designee shall jointly hold a public meeting to review and discuss the status of  
16 State telecommunications policy and planning, the Telecommunications Plan,  
17 the Connectivity Fund, the Connectivity Initiative, the High-Cost Program, and  
18 any other matters they deem necessary to fulfill their obligations under this  
19 section.

1       Sec. 6. CREATION OF POSITIONS; TRANSFER OF VACANT  
2                   POSITIONS; REEMPLOYMENT RIGHTS

3           (a) Up to three additional exempt full-time positions are created within the  
4       Division for Telecommunications and Connectivity, as deemed necessary by  
5       the Secretary of Administration.

6           (b) The positions created under subsection (a) of this section shall only be  
7       filled to the extent there are existing vacant positions in the Executive Branch  
8       available to be transferred and converted to the new positions in the Division  
9       for Connectivity, as determined by the Secretary of Administration and the  
10       Commissioner of Human Resources, so that the total number of authorized  
11       positions in the State shall not be increased by this act.

12           (c) All full-time personnel of the Vermont Telecommunications Authority  
13       employed by the Authority on the day immediately preceding the effective date  
14       of this act who do not obtain a position in the Division for Connectivity  
15       pursuant to subsection (a) of this section shall be entitled to the same  
16       reemployment or recall rights available to nonmanagement State employees  
17       under the existing collective bargaining agreement entered into between the  
18       State and the Vermont State Employees' Association.

1 Sec. 7. 30 V.S.A. § 7503 is amended to read:

2 § 7503. FISCAL AGENT

3 (a) A fiscal agent shall be selected to receive and distribute funds under this  
4 chapter.

5 (b) The fiscal agent shall be selected by the ~~Public Service Board~~  
6 Commissioner of Public Service after competitive bidding. No  
7 telecommunications service provider shall be eligible to be the fiscal agent.  
8 The duties of the fiscal agent shall be determined by a contract with a term not  
9 greater than three years.

10 (c) In order to finance grants and other expenditures that have been  
11 approved by the Public Service Board, the fiscal agent may borrow money  
12 from time to time in anticipation of receipts during the current fiscal year. No  
13 such note shall have a term of repayment in excess of one year, but the fiscal  
14 agent may pledge its receipts in the current and future years to secure  
15 repayment. Financial obligations of the fiscal agent are not guaranteed by the  
16 State of Vermont.

17 (d) The fiscal agent shall be audited annually by a certified public  
18 accountant in a manner determined by and under the direction of the Public  
19 Service Board.

20 (e) The financial accounts of the fiscal agent shall be available at  
21 reasonable times to any telecommunications service provider in this State. The



1 Public Service Board may investigate the accounts and practices of the fiscal  
2 agent and may enter orders concerning the same.

3 (f) The fiscal agent acts as a fiduciary and holds funds in trust for the  
4 ratepayers until the funds have been disbursed as provided pursuant to ~~sections~~  
5 ~~7511 through 7515~~ section 7515 of this chapter.

6 Sec. 8. 30 V.S.A. § 7516 is amended to read:

7 § 7516. CONNECTIVITY FUND

8 There is created a Connectivity Fund for the purpose of providing support  
9 to the High-Cost Program established under section 7515 of this chapter and  
10 the Connectivity Initiative established under section 7515b of this chapter.

11 The fiscal agent shall determine annually, on or before September 1, the  
12 amount of monies available to the Connectivity Fund. Such funds shall be  
13 apportioned ~~equally~~ as follows: 30 percent to the High-Cost Program and 70  
14 percent to the Connectivity Initiative ~~referenced in this section~~.

15 Sec. 9. 30 V.S.A. § 7515 is amended to read:

16 § 7515. HIGH-COST PROGRAM

17 (a) The Universal Service Charge shall be used as a means of keeping basic  
18 telecommunications service affordable in all parts of this State, thereby  
19 maintaining universal service, and as a means of supporting access to  
20 broadband service in all parts of the State.

1 (b) The Public Service Board, after review of a petition of a company  
2 holding a certificate of public good to provide telecommunications service in  
3 Vermont, and upon finding that the company meets all requirements for  
4 designation as an “eligible telecommunications carrier” as defined by the FCC,  
5 may designate the company as a Vermont-eligible telecommunications carrier  
6 (VETC).

7 (c) The supported services a designated VETC must provide are voice  
8 telephony services and broadband Internet access, directly or through an  
9 affiliate. A VETC receiving support under this section shall use that support  
10 for capital improvements in high cost areas, as defined in subsection (f) of this  
11 section, to build broadband capable networks.

12 (d) The Board may designate multiple VETCs for a single high cost area,  
13 but each designated VETC shall:

14 (1) offer supported services to customers at all locations throughout the  
15 ~~service~~ high cost area or areas for which it has been designated; and

16 (2) for its voice telephone services, meet service quality standards set by  
17 the Board.

18 (e) A VETC shall receive support as defined in subsection (i) of this  
19 section from the fiscal agent of the Vermont Universal Service Fund for each  
20 telecommunications line in service or service location, whichever is greater in  
21 number, in each high cost area it services. Such support may be made in the

1 form of a net payment against the carrier's liability to the Fund. If multiple  
2 VETCs are designated for a single area, then each VETC shall receive support  
3 for each line it has in service.

4 (f) As used in this section, a Vermont telephone exchange is a "high cost  
5 area" if the exchange is served by a rural telephone company, as defined by  
6 federal law, or if the exchange is designated as a rural exchange in the  
7 wholesale tariff of a regional bell operating company (RBOC), as defined by  
8 the FCC, or of a successor company to an RBOC. An exchange is not a high  
9 cost area if the Public Service Board finds that the supported services are  
10 available to all locations throughout the exchange from at least two service  
11 providers.

12 (g) Except as provided in subsection (h) of this section, a VETC shall  
13 provide broadband Internet access at speeds meeting 4 Mbps download and  
14 1 Mbps upload in each high cost area it serves within five years of designation.  
15 A VETC need not provide broadband service to a location that has service  
16 available from another service provider, as determined by the Department of  
17 Public Service.

18 (h) The Public Service Board may modify the build out requirements of  
19 subsection (d) of this section as it relates to broadband Internet access to be the  
20 geographic area that could be reached using one-half of the funds to be  
21 received over five years. A VETC may seek such waiver of the build out

1 requirements ~~in subsection (e)~~ within one year of designation and shall  
2 demonstrate the cost of meeting broadband Internet access requirements on an  
3 exchange basis and propose an alternative build out plan.

4 (i) The amount of the monthly support under this section shall be the pro  
5 rata share of available funds ~~as provided in subsection (e) of this section~~ based  
6 on the total number of incumbent local exchange carriers in the State and  
7 reflecting each carrier's lines in service or service locations in its high-cost  
8 area or areas, as determined under subsection (e) of this section. If an  
9 incumbent local exchange carrier does not petition the Board for VETC  
10 designation, or is found ineligible by the Board, the share of funds it otherwise  
11 would have received under this section shall be used to support the  
12 Connectivity Initiative established in section 7515b of this chapter.

13 (j) The Public Service Board shall adopt by rule standards and procedures  
14 for ensuring projects funded under this section are not competitive overbuilds  
15 of existing wired telecommunications services.

16 (k) Each VETC shall submit certification that it is meeting the  
17 requirements of this section and an accounting of how it expended the funds  
18 received under this section in the previous calendar year, with its annual report  
19 to the Department of Public Service. For good cause shown, the Public  
20 Service Board may investigate submissions required by this subsection and

1 may revoke a company's designation if it finds that the company is not  
2 meeting the requirements of this subsection.

3 Sec. 10. 30 V.S.A. § 7515b is amended to read:

4 § 7515b. CONNECTIVITY INITIATIVE

5 (a) The purpose of the Connectivity Initiative is to provide each service  
6 location in Vermont access to Internet service that is capable of speeds of at  
7 least 4 Mbps download and 1 Mbps upload, or the FCC speed requirements  
8 established under Connect America Fund Phase II, whichever is higher,  
9 beginning with locations not served as of December 31, 2013 according to the  
10 minimum technical service characteristic objectives applicable at that time.  
11 Within this category of service locations, priority shall be given first to  
12 unserved and then to underserved locations. As used in this section,  
13 "unserved" means a location having access to only satellite or dial-up Internet  
14 service and "underserved" means a location having access to Internet service  
15 with speeds that exceed satellite and dial-up speeds but are less than 4 Mbps  
16 download and 1 Mbps upload. Any new services funded in whole or in part by  
17 monies ~~in this Fund~~ from this Initiative shall be capable of being continuously  
18 upgraded to reflect the best available, most economically feasible service  
19 capabilities.

20 (b) The Department of Public Service shall publish annually a list of census  
21 blocks eligible for funding based on the Department's most recent broadband

1 mapping data. The Department annually shall solicit proposals from service  
2 providers, ~~the Vermont Telecommunications Authority, and the Division for~~  
3 ~~Connectivity~~ to deploy broadband to eligible census blocks. The Department  
4 shall give priority to proposals that reflect the lowest cost of providing services  
5 to unserved and underserved locations; however, the Department also shall  
6 consider:

- 7 (1) the proposed data transfer rates and other data transmission  
8 characteristics of services that would be available to consumers;
- 9 (2) the price to consumers of services;
- 10 (3) the proposed cost to consumers of any new construction, equipment  
11 installation service, or facility required to obtain service;
- 12 (4) whether the proposal would use the best available technology that is  
13 economically feasible;
- 14 (5) the availability of service of comparable quality and speed; and
- 15 (6) the objectives of the State's Telecommunications Plan.

16 Sec. 11. EFFECTIVE DATE

17 This act shall take effect on July 1, 2015.