



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 820

Assembly Amendment 1

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CURRENT LAW

Under current law, the Public Service Commission (PSC) is required to designate areas of the state as “underserved” if they are served by fewer than two broadband providers. The PSC must award grants under the Broadband Expansion Grant Program for the construction of broadband infrastructure in those areas. Preference in grant awards is given to projects that meet certain criteria, including those that include matching funds, that are scalable, and that affect areas with no broadband service providers.

2015 ASSEMBLY BILL 820

Assembly Bill 820 imposes additional duties on the PSC related to the expansion of broadband access in Wisconsin. The PSC must: (1) encourage the development of broadband infrastructure in underserved areas of the state; (2) make comprehensive information about permits for broadband network projects and related business activities available to any person; (3) work with other government offices, at the state and local levels, to encourage the timely and efficient issuance of permits and the resolution of related issues; and (4) encourage local and federal agencies to coordinate activities relating to the application, approval, and issuance of permits for broadband network projects.

The bill also creates a process by which political subdivisions may become certified as Broadband Forward! communities. The PSC is required to administer the certification program. To become certified, a political subdivision must adopt an ordinance that establishes an efficient process, as described in the bill, for the application, approval, and issuance of broadband network-related permits. The required ordinance must satisfy several conditions, including that

a permit application must be approved or denied, in writing, within 45 days and any written denial must include and be supported by substantial evidence.

The bill also requires the PSC to give preference in awarding broadband expansion grants to projects that are located in political subdivisions that are Broadband Forward! certified, in addition to the types of projects that must be given preference under current law.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 removes the requirement that the PSC give preference in awarding broadband expansion grants to projects that are located in political subdivisions that are Broadband Forward! certified.

The amendment increases the amount of time that a Broadband Forward! certified political subdivision has to approve or deny a broadband network project permit application from 45 days to 60 days.

Finally, the amendment requires that the written notification of a broadband network project permit denial include evidence that the denial was not arbitrary or capricious, instead of substantial evidence that supports the denial.

BILL HISTORY

Assembly Amendment 1 was offered by Representative Quinn on February 9, 2016. On February 10, 2016, the Assembly Committee on Mining and Rural Development recommended adoption of Assembly Amendment 1 on a vote of Ayes, 15; Noes, 0, and passage of Assembly Bill 820, as amended, on a vote of Ayes, 10; Noes, 5.

RES:jal