
Wisconsin Legislative Council

AMENDMENT MEMO



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Contact: Brian Larson, Senior Staff Attorney

2021 Senate Bill 365

Senate Substitute Amendment 1

2021 SENATE BILL 365

2021 Senate Bill 365 makes various changes to the broadband expansion grant program administered by the Public Service Commission (PSC). Among its changes, the bill modifies the areas of the state eligible for broadband expansion grants. Whereas the program currently provides grants to **underserved** areas, the bill directs the PSC to provide grants to **unserved** areas. The term “unserved area” is modified to mean an area not served by an internet service provider (ISP) that provides fixed wireless service or wired service with download speeds of 100 Megabits per second (Mbps) or greater and upload speeds of 20 Mbps or greater (“100/20” service).

The bill modifies the criteria that the PSC must consider and prioritize when evaluating grant applications. Specifically, the bill:

- Prohibits the PSC from awarding grants that are not capable of offering 100/20 service.
- Prohibits the PSC from awarding grants that do not include matching funds of at least 40 percent of the total project cost.
- Requires the PSC to prioritize projects that include matching funds of 50 percent or more.
- Requires the PSC to prioritize projects capable of service with either combined download-and-upload speeds of 900 Mbps or greater, or download speeds of 450 Mbps or greater and upload speeds of 450 Mbps or greater.

Additionally, the bill requires the PSC to provide technical assistance and educational tools for grant project development. It establishes a procedure by which an ISP in or near a proposed project area may challenge the awarding of a grant. It allows the PSC to require broadband expansion grant recipients to submit a project completion report before the PSC disburses any withheld funds. Finally, it creates a mechanism by which the PSC must annually collect broadband availability and speed data from ISP grantees, in certain cases, to facilitate the development of broadband availability maps by the PSC.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 removes the prohibitions against awarding grants for projects that are not capable of offering 100/20 service or that do not include at least 40 percent matching funds. Additionally, the substitute amendment removes the provision allowing the PSC to require recipients to submit a final report before any withheld grant funds are disbursed. Finally, the substitute amendment removes the mechanism for the PSC to collect broadband data from ISP grantees to facilitate the development and maintenance of broadband availability maps by the PSC.

BILL HISTORY

Senator Marklein introduced and Representative Summerfield cosponsored the bill on May 25, 2021, and the bill was then referred to the Senate Committee on Utilities, Technology and Telecommunications. On January 26, 2022, Senator Marklein offered Senate Substitute Amendment 1. On February 2, 2022, the Senate Committee on Utilities, Technology and Telecommunications held a public hearing. On February 11, 2022, the committee recommended adoption of the substitute amendment, and passage of the bill, as amendment, on votes of Ayes, 3; Noes, 2.

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