

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 947

Short Title: The G.R.E.A.T. Broadband Expansion Act. (Public)

Sponsors: Representatives Arp, Lambeth, Saine, and Johnson (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Energy and Public Utilities, if favorable, Appropriations, if favorable, Rules,
Calendar, and Operations of the House

May 12, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE COMPLETING ACCESS TO BROADBAND PROGRAM,
3 TO CREATE A FIXED WIRELESS AND SATELLITE BROADBAND GRANT
4 PROGRAM WITHIN THE G.R.E.A.T. PROGRAM, AND TO MAKE CHANGES TO THE
5 GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY (G.R.E.A.T.)
6 PROGRAM.

7 The General Assembly of North Carolina enacts:

8
9 **PART I. COMPLETING ACCESS TO BROADBAND PROGRAM**

10 **SECTION 1.1.** Article 15 of Chapter 143B of the General Statutes is amended by
11 adding a new section to read:

12 **"§ 143B-1373.2. Completing Access to Broadband program.**

13 (a) As used in this section, the following definitions apply:

- 14 (1) Broadband service. – Terrestrially deployed internet access service with
15 transmission speeds of at least 25 megabits per second (Mbps) download and
16 at least three megabits per second upload (25:3).
17 (2) Eligible area. – An area that is unserved or underserved in a county designated
18 as a development tier one or tier two area, as defined in G.S. 143B-437.08, or
19 a rural census tract, as defined in G.S. 143B-472.127, in any other county with
20 total employment of less than 500,000, as of January 1, 2020, as measured
21 pursuant to G.S. 143B-437.52(c)(3).
22 (3) Federal funds. – Funds provided directly to a county from the federal
23 American Rescue Plan (P.L. 117-2) that are eligible to be used for the purpose
24 of deploying broadband service.
25 (4) Project area. – An eligible area that is jointly determined by a requesting
26 county and the Broadband Infrastructure Office within the Department of
27 Information Technology as requiring project funding under this section to
28 further complete the deployment of broadband service in the county.
29 (5) Unserved or underserved. – A location within a county that has no deployment
30 of broadband service or that has internet access service that does not meet the
31 definition of broadband service.

32 (b) The Completing Access to Broadband Fund (CAB Fund) is established as a special
33 revenue fund in the Department of Information Technology. The Secretary may award grants
34 from the CAB Fund projects meeting the criteria established under this section. State funds



1 appropriated to this Fund shall be considered an information technology project within the
 2 meaning of G.S. 143C-1-2. The Office shall establish procedures in accordance with this section
 3 that allow every county in the State to participate in the Completing Access to Broadband
 4 program. The State shall not be obligated for funds committed for project costs from the CAB
 5 Fund in excess of those sums appropriated by the General Assembly to the CAB Fund.

6 (c) In collaboration with the Broadband Infrastructure Office, a county may request
 7 funding under this section for either a defined eligible project area that is mutually identified by
 8 the county and the Office or for a project that was not awarded a grant in the most recent round
 9 of grant awards under G.S. 143B-1373. In selecting project areas to receive funding, the Office
 10 shall give priority to eligible areas that a county has requested funding for based upon utilizing
 11 the Office's Community Broadband Planning Playbook and those counties that meet the criteria
 12 established in subsection (e) of this section. Notwithstanding Article 8 of Chapter 143 of the
 13 General Statutes, or any other provision of law to the contrary, the Office may delegate to a
 14 county the bid process to select a provider for the project area in accordance with Part 4 of this
 15 Article. The Office shall develop and administer any agreement entered into pursuant to this
 16 section.

17 (d) A broadband service provider selected for a project under this section shall be
 18 required to provide at least thirty-five percent (35%) of the total estimated project cost. The
 19 Office may commit up to thirty-five percent (35%) of the total estimated project cost from monies
 20 in the CAB Fund. The county requesting the project shall be responsible for thirty percent (30%)
 21 of the total estimated project cost and shall utilize federal funds for that purpose. In the event
 22 CAB Fund monies are insufficient to fund a project, a county may increase its share of the total
 23 estimated project cost, or the Office may adjust the scope of the project to meet the level of
 24 available funding. A county shall use unrestricted general funds or federal funds for its portion
 25 of the total estimated project costs. No single project shall receive an amount greater than two
 26 million dollars (\$2,000,000) from the CAB Fund, and no county may receive more than five
 27 million dollars (\$5,000,000) in aggregate funding from the CAB Fund in any single fiscal year.

28 (e) Notwithstanding the project cost responsibility allocations in subsection (d) of this
 29 section, for a county receiving from the federal government less than eight million dollars
 30 (\$8,000,000) in federal funds, a broadband service provider selected for a project shall be
 31 required to provide at least thirty percent (30%) of the total estimated project cost. The following
 32 cost responsibility allocations for counties and the State apply:

<u>Direct Federal Funds Received</u>	<u>County Responsibility</u>	<u>State Responsibility</u>
<u>Up to \$2,000,000</u>	<u>10%</u>	<u>60%</u>
<u>\$2,000,000, up to \$2,750,000</u>	<u>15%</u>	<u>55%</u>
<u>\$2,750,000, up to \$3,250,000</u>	<u>20%</u>	<u>50%</u>
<u>\$3,250,000, up to \$3,750,000</u>	<u>25%</u>	<u>45%</u>

38 (f) A broadband service provider selected for a project under this section shall enter into
 39 an agreement with the Office that shall include the project description, time lines, benchmarks,
 40 proposed broadband speeds, and any other information and documentation the Office deems
 41 necessary. Upon execution of an agreement, the county shall provide its portion of the total
 42 estimated project costs to the Office to be combined with CAB Funds awarded for the project
 43 and placed in a separate project account. The Office shall provide project oversight and, upon
 44 completion of established benchmarks in the project agreement, the Office shall disburse funds
 45 from the project account to the broadband service provider."

46
 47 **PART II. EXPANSION OF G.R.E.A.T. PROGRAM FOR FIXED WIRELESS AND**
 48 **SATELLITE BROADBAND GRANTS**

49 **SECTION 2.1.** Article 15 of Chapter 143B of the General Statutes is amended by
 50 adding a new section to read:

51 **"§ 143B-1373.1. G.R.E.A.T. program fixed wireless and satellite broadband grants.**

1 (a) The following definitions apply in this section:

- 2 (1) Broadband service. – Internet access service provided by low-orbit
3 geostationary satellites or fixed wireless networks with (i) a latency of 500
4 milliseconds or less and (ii) transmission speeds that are equal to or greater
5 than the requirements for the minimum performance tier, as provided by the
6 Federal Communications Commission in Paragraph 39 of the report and order
7 adopted January 30, 2020, and released February 7, 2020.
- 8 (2) Equipment. – The antenna and any necessary hardware provided by a
9 broadband service provider to a subscriber that enables the subscriber to
10 connect to the broadband service. The term does not include a modem.
- 11 (3) Fixed wireless provider. – A broadband service provider that provides internet
12 access to a subscriber via fixed antenna that receives a radio link from the
13 provider's network to the subscriber.
- 14 (4) Grantee. – A broadband provider that has been awarded a grant pursuant to
15 this section.
- 16 (5) Office. – The Broadband Infrastructure Office in the Department of
17 Information Technology.
- 18 (6) Satellite broadband provider. – A broadband service provider that provides
19 internet access directly to consumers via satellite technology.
- 20 (7) Secretary. – The Secretary of the Department of Information Technology.
- 21 (8) Unserved household. – A household located in this State that does not have
22 access to broadband service from a wireline or wireless service provider. A
23 household that is included in an area where a grant from the Growing Rural
24 Economies with Access to Technology (G.R.E.A.T.) program pursuant to
25 G.S. 143B-1373 has been awarded is not eligible for a grant under this section.

26 (b) Applications for grants will be submitted at times designated by and on forms
27 prescribed by the Secretary. Notwithstanding any other provision of law, if the Secretary deems
28 some of the information in an application to contain proprietary information, the Secretary may
29 provide that such information is not a public record, as that term is defined in G.S. 132-1, subject
30 to public records or other laws requiring the disclosure of such information and have that portion
31 of the application redacted. An application shall include, at a minimum, the following
32 information:

- 33 (1) The identity of the applicant.
- 34 (2) The specific address of the subscriber.
- 35 (3) A description of the services provided, including the upstream and
36 downstream broadband speeds delivered, latency metrics, and any applicable
37 data caps. Any applicant proposing a data cap below 150 Gigabytes of usage
38 per month shall also provide justification to the satisfaction of the Office that
39 the proposed cap is in the public interest and consistent with industry
40 standards.
- 41 (4) The cost to be charged to the unserved household for the equipment needed to
42 connect to the broadband service for the next two years.
- 43 (5) Evidence of a contract with the subscriber, including the amount charged for
44 the equipment and the installation of the equipment, necessary for providing
45 broadband service to the subscriber.
- 46 (6) The terms and conditions imposed upon the subscriber, including restrictions
47 on use and possession of equipment used for broadband service connection.
- 48 (7) Any other information or supplementary documentation requested by the
49 Office.

50 (c) The Office shall determine eligibility for a grant pursuant to this section based upon
51 the information provided in the application of a broadband service provider, and any other

1 information or supplementary documentation requested by the Office, and shall award grants to
2 applicants that demonstrate the provision of broadband service via a subscription from an
3 unserved household. The Office shall provide grants to eligible broadband service providers for
4 subscriptions to unserved households as follows:

5 (1) Up to one thousand one hundred dollars (\$1,100) for each satellite broadband
6 subscription, or up to seven hundred dollars (\$700.00) for each fixed wireless
7 subscription, providing broadband speeds of 50 megabits per second
8 download and 3 megabits per second upload, or greater.

9 (2) Up to seven hundred dollars (\$700.00) for each satellite broadband
10 subscription, or up to five hundred dollars (\$500.00) for each fixed wireless
11 subscription, providing less than 50 megabits per second download and 3
12 megabits per second upload.

13 The grants awarded by the Office shall not exceed the cost of the broadband provider's
14 equipment, including any installation costs, necessary to provide broadband service to the
15 household that has been provided to a subscriber.

16 (d) Eligibility for a grant award is dependent upon the household maintaining broadband
17 service with the grantee for at least 24 consecutive months. No grant shall be awarded for a
18 subscription at an address that the Office has previously awarded a grant under this section. A
19 grantee shall submit documentation to the Office annually that will provide information sufficient
20 for the Office to verify eligibility of subscriptions, including that the household was unserved.
21 Payment of grant funds is subject to documentation showing eligibility of subscriptions.

22 (e) The Office shall require a grantee to enter into an agreement. The agreement shall
23 contain at least all of the following:

24 (1) An address of the household subscribing for broadband service for which the
25 grant is sought.

26 (2) A provision that requires the grantee to maintain its service for the subscriber
27 for at least 24 consecutive months.

28 (3) A provision establishing the conditions under which the grant agreement may
29 be terminated and under which grant funds may be recaptured by the Office.

30 (4) A provision stating that unless the agreement is terminated pursuant to its
31 terms, the agreement is binding and constitutes a continuing contractual
32 obligation of the State and the grantee.

33 (5) A provision that establishes any allowed variation in the terms of the
34 agreement that will not subject the grantee to grant reduction, amendment, or
35 termination of the agreement.

36 (6) A provision describing the manner in which the amount of the grant will be
37 measured and administered to ensure compliance with the agreement and this
38 section.

39 (7) A provision stating that any recapture of a grant and any reduction in the
40 amount of the grant or the term of the agreement must, at a minimum, be
41 proportional to the failure to comply measured relative to the condition or
42 criterion with respect to which the failure occurred.

43 (8) A provision describing the methodology the Office will use to verify
44 subscriptions and the types of information required to be submitted by the
45 grantee.

46 (9) A provision stating that the grantee may not impose data caps upon any
47 eligible subscription for the term of the agreement.

48 (10) A provision stating that the equipment necessary for a subscriber to receive
49 broadband service from the grantee shall be deemed a fixed asset upon the
50 property of the eligible subscription and shall transfer with the property to any
51 successors.

1 (11) Any other provision the Office deems necessary.

2 (f) If the grantee fails to meet or comply with any condition or requirement set forth in
3 an agreement, the Office shall reduce the amount of the grant or the term of the agreement, may
4 terminate the agreement, or both. The reduction in the amount of the grant or the term must, at a
5 minimum, be proportional to the failure to comply measured relative to the condition with respect
6 to which the failure occurred. If the Office finds that the grantee has manipulated or attempted to
7 manipulate data with the purpose of increasing the amount of a grant, the Office shall
8 immediately terminate the agreement and take action to recapture any grant funds disbursed in
9 any year in which the Office finds the grantee manipulated or attempted to manipulate data with
10 the purpose of increasing the amount of a grant.

11 (g) The grantee shall certify and provide to the Office evidence consistent with a Federal
12 Communications Commission attestation that the proposed minimum upstream and minimum
13 downstream broadband speeds and latency metrics identified in the application guidelines are
14 and will be available throughout the project area during the term of the agreement prior to any
15 end user connections. A grantee may receive a disbursement of a grant only after the Office has
16 certified that the grantee has met the terms and conditions of the agreement. A grantee shall
17 submit a certification of compliance with the agreement to the Office. The Office shall require
18 the grantee to provide any necessary evidence of compliance to verify that the terms of the
19 agreement have been met.

20 (h) The Office shall require that a grantee offer the proposed advertised minimum
21 download and minimum upload speeds and subscription cost identified in the application for the
22 duration of the 24 consecutive months provided in the agreement. Upon request, a grantee shall
23 provide to the Office evidence consistent with a Federal Communications Commission
24 attestation that the grantee is making available the proposed advertised speed, or a faster speed,
25 as contained in the grant agreement."

27 **PART III. VARIOUS CHANGES TO THE G.R.E.A.T. PROGRAM**

28 **SECTION 3.1.** G.S. 143B-1373 reads as rewritten:

29 **"§ 143B-1373. Growing Rural Economies with Access to Technology (GREAT) program.**

30 (a) As used in this section, the following definitions apply:

31 ...

32 (5) Eligible economically distressed county. – A county designated as a
33 development tier one or tier two area, and rural census tracts located in
34 development tier three areas, as defined in G.S. 143B-473.08. For the
35 purposes of this subdivision, the term "rural census tract" has the same
36 meaning as contained in G.S. 143B-472.127(a)(2). Counties with total
37 employment of 500,000 or more, as of January 1, 2020, as measured pursuant
38 to G.S. 143B-437.52(c)(3), are not eligible.

39 (6) Eligible project. – An eligible project is a discrete and specific project located
40 in an unserved area of an economically distressed county seeking to provide
41 broadband service to homes, businesses, and community anchor points not
42 currently served. Eligible projects do not include middle mile, backhaul, and
43 other similar projects not directed at broadband service to end users. If a
44 contiguous project area crosses from one eligible county into one or more
45 eligible adjacent counties, for the purposes of this section, the project shall be
46 deemed to be located in the county where the greatest number of unserved
47 households are proposed to be served. ~~To qualify for an award under this~~
48 ~~section, no more than an incidental number of households or businesses, not~~
49 ~~to exceed ten percent (10%) of the total households or businesses within the~~
50 ~~boundaries of the project area submitted by the applicant, may have~~

1 ~~terrestrially deployed Internet access service with transmission speeds greater~~
2 ~~than 10 Mbps download and 1 Mbps upload.~~

3 ...

4 (14) Unserved area. – A designated geographic area that is presently without access
5 to broadband service, as defined in this section, offered by a wireline or fixed
6 wireless provider. Areas where a private provider has been designated to
7 receive funds through other State or federally funded programs designed
8 specifically for broadband deployment shall be considered served if such
9 funding is intended to result in construction of broadband in the area within
10 18 months.

11 (b) The Growing Rural Economies with Access to Technology Fund is established as a
12 special revenue fund in the Department of Information Technology. State funds appropriated to
13 this Fund shall be considered an information technology project within the meaning of
14 G.S. 143C-1-2. The Secretary may award grants from the Growing Rural Economies with Access
15 to Technology Fund ~~to eligible recipients for eligible projects. The funds shall be used by the~~
16 ~~recipient to pay for infrastructure costs associated with an eligible project. State funds~~
17 ~~appropriated to this Fund shall be considered an information technology project within the~~
18 ~~meaning of G.S. 143C-1-2.~~as follows:

19 (1) For eligible projects awarded funds under this section to be used by a recipient
20 to pay for infrastructure costs associated with an eligible project.

21 (2) For awards to grantees providing fixed wireless or satellite broadband service
22 pursuant to G.S. 143B-1373.1.

23 Monies appropriated to the Fund for fixed wireless or satellite broadband grants under
24 G.S. 143B-1373.1 shall be held separately to be awarded as grants under that section.

25 (c) Project areas comprised of census blocks, or portions thereof, within which a
26 broadband provider is receiving ~~matching~~ funds to deploy terrestrial broadband service within
27 the next 18 months are ineligible for the GREAT program. It is essential for the Office to know
28 the location of census blocks, or portions thereof, comprising these areas so it can determine
29 project eligibility. A private provider receiving ~~Universal Service or Connect America Phase II,~~
30 federal or nonfederal funds to deploy terrestrial broadband service may qualify such area for
31 protection by submitting within 60 days of the application period a listing of the census blocks,
32 or portions thereof, comprising the federally funded project areas meeting this requirement and
33 nothing more to the Office. In future program years, the cutoff date for submitting this census
34 block data shall be established by the Office, but shall be not less than 60 days prior to the
35 beginning date of the application period. This will enable the office to update maps and advise
36 applicants as to the unserved areas of the State that are eligible for consideration in that program
37 year. The Office shall only utilize this data to update maps of census blocks to reflect these census
38 blocks, or portions thereof, as being served. Failure on the part of a provider to submit the listing
39 of census blocks by the cutoff date shall result in those areas being eligible for inclusion under
40 this program during the upcoming program year. The Office shall use the census block data
41 provided only for mapping of unserved areas. Upon expiration of the 18-month reservation period
42 described in this subsection, a private provider that has received a reservation of census blocks
43 shall submit written documentation by April 30 of the year following the program year that
44 broadband deployment has begun or been completed in the census blocks, or portions thereof,
45 that have been deemed ineligible by the Office due to the existence of a federally funded project
46 area. Information provided to the Office pursuant to this subsection is not a public record, as that
47 term is defined in G.S. 132-1. Nothing in this subsection shall be deemed to make ineligible a
48 project area in an area where a federal Rural Digital Opportunity Fund grant was awarded to a
49 satellite broadband provider.

50 ...

1 (d1) An application submitted pursuant to this section shall include a project area map
2 using the State broadband maps maintained by the Department. The project area map shall depict
3 that the project boundary does not conflict with served areas as shown on the State broadband
4 maps. To further assist with defining the project area, the project map shall provide street
5 addresses and road names for areas on the map where public roads intersect project boundary
6 lines. Served areas include those areas known to have existing broadband service, areas with an
7 ongoing broadband project funded under this section, areas with projected FCC funded projects,
8 and any other data the Department has included to differentiate between served and unserved
9 areas. To submit a protest under subsection (e) of this section, a broadband provider shall provide
10 data sufficient for the Office to conclude that any areas being challenged have broadband service
11 as defined in this section. A provider submitting an application pursuant to this section shall bear
12 the burden of proof that the proposed area to be served can, in fact, be served using the proposed
13 technology. The burden of proof may be satisfied by the submission of data, maps, and any other
14 information satisfactory to the Office, demonstrating that the area and number of prospective
15 broadband recipients proposed to be served can be provided the minimum upload and download
16 speeds indicated in the application.

17 (e) Applications shall be made publicly available by posting on the Web site of the
18 Department of Information Technology for a period of at least ~~30~~20 days prior to award. During
19 the ~~30-day~~20-day period, any interested party may submit comments to the Secretary concerning
20 any pending application. A provider of broadband services may submit a protest of any
21 application on the grounds the proposed project covers an area that is not an eligible area under
22 this section. Protests shall be submitted in writing, accompanied by all relevant supporting
23 documentation, and shall be considered by the Office in connection with the review of the
24 application. Upon submission of evidence satisfactory to the Office that the proposed project area
25 includes prospective broadband recipients that are served, as measured using a methodology
26 satisfactory to the Office, the Office may work with an applicant to amend an application to
27 reduce the number of unserved prospective broadband recipients in the project area to reflect an
28 accurate level of current broadband service. The Office may revise application scores in
29 accordance with amended applications; however, the Office may reject any amended application
30 resulting in a lower application score to the extent that the lower score would have impacted the
31 ranking of the application in the initial scoring process. For applications with filed protests, the
32 Secretary shall issue a written decision to the protesting party at least 15 days prior to the approval
33 of that application. Following a protest that is granted for a portion of the application, the Office
34 may release to an applicant the locations or areas declared ineligible. The information released
35 to the applicant is not a public record, as that term is defined under G.S. 132-1, and shall remain
36 confidential. Any provider submitting a protest shall verify that the information in the protest is
37 accurate and that the protest is submitted in good faith. The Office may deny any protest or
38 application that contains inaccurate information.

39 As a means of resolving a protest, the Office may utilize speed tests to determine if the
40 protested area or individual households or businesses currently have access to broadband service
41 as defined in this section. The Department shall publish the speed test methodology it uses to
42 assess speed levels pursuant to this section. All decisions regarding the speed test to be utilized
43 and the manner by which the speed tests are applied shall be made by the Secretary or the
44 Secretary's designee.

45 ...

46 (g) Applications shall be scored based upon a system that awards a single point for criteria
47 considered to be the minimum level for the provision of broadband service with additional points
48 awarded to criteria that exceed minimum levels. The Office shall score project applications in
49 accordance with the following:

- 50 (1) Partnership. – Projects involving proposing a partnership shall be given points
51 in their application score. A proposed partnership shall (i) be in writing, (ii)

1 provide the specific terms and conditions of the partnership, and (iii) be signed
 2 and attested to by the parties. A county or nonprofit may enter into proposed
 3 agreements with more than one applicant. For the purposes of scoring under
 4 this subdivision, a county that provides a portion of the match required by this
 5 section or that has entered into an agreement with the applicant to one point
 6 shall be given for a proposed partnership that will make available its existing
 7 infrastructure that has been installed for the county's partner's enterprise,
 8 nonconsumer broadband purposes, or any other property, buildings, or
 9 structures owned by the county, partner, for a proposed project under this
 10 section shall be considered a partnership. section. A county may provide a
 11 portion of the or nonprofit entity that proposes to provide a financial match
 12 required by this section pursuant to G.S. 153A 349.60. Projects involving
 13 partnerships shall be given six points in their application score. shall be given
 14 one point. Notwithstanding Article 8 of Chapter 143 of the General Statutes,
 15 or any provision of law to the contrary, a county may use unrestricted general
 16 funds or federal funding allocated to it for the purpose of improving
 17 broadband infrastructure for a financial match. An applicant shall receive two
 18 additional points for a proposed partnership where the county's financial
 19 match is comprised entirely from federal American Rescue Plan (P.L. 117-2)
 20 funds intended for broadband infrastructure. Nothing in this subdivision shall
 21 be deemed to authorize a county to provide broadband service.

- 22 (2) Unserved households. – The Office shall give additional points to projects
 23 based upon the estimated number of unserved households within the eligible
 24 economically distressed county, as determined by the most recent data
 25 published by the Federal Communications Commission or any other
 26 information available to the Office. Points shall be given to projects that will
 27 be located in counties with estimated unserved households as follows:

Unserved Households	Points Given
29 500 or less	1
30 501-1400	2
31 Over 1400	3

- 32 (3) Unserved households to be served. – The Office shall give additional points
 33 to projects that will provide broadband service based upon the percentage of
 34 the total unserved households within the eligible economically distressed
 35 county that the project will serve. The number of unserved households shall
 36 be determined using the most recent data published by the Federal
 37 Communications Commission or any other information available to the
 38 Office. Points shall be given to projects that will serve a percentage of
 39 unserved households within the project area as follows:

% Unserved Households To Be Served	Points Given
40 Under Less than 15%	1
41 15% to 25%	2
42 Over 25%	3

- 44 (4) Unserved businesses. – The Office shall give additional points to projects that
 45 will provide broadband service to unserved businesses located within the
 46 eligible economically distressed county, as determined by the most recent data
 47 published by the Federal Communications Commission or any other
 48 information available to the Office. Points shall be given to projects that serve
 49 unserved businesses within the project area as follows:

- 50 a. Projects proposing to serve between 1 and 4 businesses shall receive 1
 51 point.

- b. Projects proposing to serve between 5 and 10 businesses shall receive 2 points.
 - c. Projects proposing to serve either (i) more than 10 businesses or (ii) an agricultural operation, agricultural processing facility, or a business with 31 or more full-time employees shall receive 3 points.
- (5) Cost per household or business. – The Office shall give additional points to projects that minimize the infrastructure cost of the proposed project per household or business, based upon information available to the Office. Points shall be given to projects based upon the estimated cost per household or business as follows:

a. For projects proposed in the Piedmont or Coastal Plain Regions:

Est. Cost per Household/Business	Partnership Using Infrastructure	Private Provider Only
Up to \$1,700	4	9
\$1,701-2,200	3	8
\$2,201-2,700	2	7
\$2,701-3,200	1	6

b. For projects located in the Mountain Region:

Est. Cost per Household/Business	Partnership Using Infrastructure	Private Provider Only
Up to \$2,500	4	9
\$2,501-3,300	3	8
\$3,301-3,800	2	7
\$3,801-4,300	1	6

- (6) Base speed multiplier. – Projects that will provide minimum download and minimum upload speeds shall have the aggregate points given under subdivisions (1) through (5) of this subsection multiplied by a factor at the level indicated in the table below:

Minimum Download: Minimum Upload	Score Multiplier
25:3 Mbps. Up to 100:10 Mbps.	1.35
100:10 Mbps. up to 200:20 Mbps.	1.75
200:20 Mbps. or greater.	2.00
<u>Symmetrical.</u>	<u>3.00</u>

...

(h) The Office shall score applications based upon the metrics provided in subsection (g) of this section. In awarding grants based upon the scoring metrics, the Office shall also award an additional point to projects where a county has a Community Broadband Planning Playbook that meets the guidelines established by the Office.

(h1) Additional points shall be awarded to counties providing a portion of a project's matching funds entirely from federal American Rescue Plan (P.L. 117-2) funds the county received directly from the federal government. For counties that received eight million dollars (\$8,000,000) or more directly from the federal government, the following points shall be added to the application score:

<u>County Match</u>	<u>Points</u>
<u>Up to \$2,000,000</u>	<u>1</u>
<u>\$2,000,000, up to \$4,000,000</u>	<u>2</u>
<u>\$4,000,000, up to \$6,000,000</u>	<u>3</u>
<u>\$6,000,000, up to \$8,000,000</u>	<u>4</u>
<u>\$8,000,000, or greater</u>	<u>5</u>

1 For counties that (i) received less than eight million dollars (\$8,000,000) directly from the
 2 federal government from the American Rescue Plan (P.L. 117-2) and (ii) are providing a portion
 3 of a project's matching funds using the entirety of the federal funds the county received, together
 4 with any other unrestricted general fund monies, if needed, the following points shall be added
 5 to the application score:

<u>County Match</u>	<u>Points</u>
Up to \$6,000,000	6
\$6,000,000, up to \$8,000,000	7

9 (i) **(Effective July 1, 2021)** Applications receiving the highest score shall receive
 10 priority status for the awarding of grants pursuant this section. As a means of breaking a tie for
 11 applications receiving the same score, the Office shall give priority to the application proposing
 12 to serve the highest number of new households at the lowest cost per household or business.
 13 Applicants awarded grants pursuant to this section shall enter into an agreement with the Office.
 14 The agreement shall contain all of the elements outlined in subsection (d) of this section and any
 15 other provisions the Office may require. The agreement shall contain a provision governing the
 16 time line and minimum requirements and thresholds for disbursement of grant funds measured
 17 by the progress of the project. For projects where the application includes a proposed partnership,
 18 the agreement shall contain a provision requiring a certification of the existence of the partnership
 19 prior to disbursement of grant funds. Grant funds shall be disbursed only upon verification by
 20 the Office that the terms of the agreement have been fulfilled according to the progress milestones
 21 contained in the agreement. At project completion, the grant recipient shall certify and provide
 22 to the Office evidence consistent with Federal Communications Commission attestation that
 23 either speeds greater than those identified in the application guidelines or the proposed upstream
 24 and downstream broadband speeds identified in the application guidelines, and for which a base
 25 speed multiplier was awarded pursuant to subdivision (6) of subsection (g) of this section, are
 26 available throughout the project area prior to any end user connections. A single grant award
 27 shall not exceed ~~two-four~~ million dollars (~~\$2,000,000~~). ~~No more than one grant may be awarded~~
 28 ~~per fiscal year for a project in any one eligible economically distressed county; except that if~~
 29 ~~(\$4,000,000). No combination of grant awards under this section involving any single county~~
 30 ~~may exceed eight million dollars (\$8,000,000) in a fiscal year. If funds remain available after all~~
 31 ~~top scoring projects have been awarded a grant, then the next highest scoring projects may be~~
 32 ~~awarded a grant even if the project is located in a county where a grant has been awarded in that~~
 33 ~~fiscal year provided the total award associated with that county does not exceed ~~two-six~~ million~~
 34 ~~dollars (~~\$2,000,000~~)-(\$6,000,000) in that fiscal year.~~

35 No more than one-half of the funds appropriated to the fund established in subsection (b) of
 36 this section shall be disbursed for eligible projects located in a development tier two or tier three
 37 county. If the Office has not received enough grant applications for projects located in a
 38 development tier one county to disburse one-half of the funds appropriated to the fund established
 39 in subsection (b) of this section as of March 1 of each year, then the Office may allocate any
 40 unencumbered funds in the fund for eligible projects located in a development tier two or tier
 41 three county.

42 Any project that is applied for and not funded in an award round under this section shall be
 43 eligible for funding under the Completing Access to Broadband program pursuant to
 44 G.S. 143B-1373.2.

45 (j) Grant recipients are required to provide matching funds based upon the application
 46 scoring pursuant to this section in the following minimum amounts:

<u>Score</u>	<u>Matching Requirement</u>
12.0 points or less	55% 50%
Greater than 12.0 points, but less than 17.5 points	50% 45%
17.5 points, up to 22.0 points	45% 40%
Greater than 22.0 points	35% 30%

1 Up to fifty percent (50%) of matching funds paid by the grant recipient may be comprised of
2 third-party funding including funds from other grant programs. Funds from the Universal Service
3 Fund shall not be used for any portion of the required matching funds. Any other current or future
4 federal funds may be used, including any future phase of the Connect America Fund, for the
5 required matching funds within the parameters of this program. A grant recipient receiving a
6 portion of matching funds from a county, where the county portion of matching funds is partially
7 comprised of federal American Rescue Plan (P.L. 117-2) funding, may have the matching
8 requirement imposed under this subsection reduced to a maximum of twenty-five percent (25%).
9 A grant recipient receiving a portion of matching funds from a county, where the county portion
10 of matching funds is entirely comprised of federal American Rescue Plan (P.L. 117-2) funding,
11 may have the matching requirement imposed under this subsection reduced to a maximum of
12 fifteen percent (15%).

13 ...

14 (p) The Department may use up to one percent (1.0%) of ~~the State funds~~ appropriated
15 ~~funds each fiscal year~~ to administer the ~~GREAT program~~ established under this
16 ~~section.~~"

18 PART IV. APPROPRIATIONS

19 **SECTION 4.1.** There is appropriated from the funds received by the State of North
20 Carolina pursuant to the American Rescue Plan Act of 2021, P.L. 117-2, to the Completing
21 Access to Broadband Fund in the Department of Information Technology the sum of four
22 hundred million dollars (\$400,000,000) for the 2021-2022 fiscal year to be used pursuant to
23 G.S. 143B-1373.2.

24 **SECTION 4.2.** There is appropriated from the funds received by the State of North
25 Carolina pursuant to the American Rescue Plan Act of 2021, P.L. 117-2, to the Growing Rural
26 Economies with Access to Technology Fund the sum of twelve million dollars (\$12,000,000) for
27 the 2021-2022 fiscal year for fixed wireless and satellite broadband grants to be awarded pursuant
28 to G.S. 143B-1373.1.

29 **SECTION 4.3.** There is appropriated from the funds received by the State of North
30 Carolina pursuant to the American Rescue Plan Act of 2021, P.L. 117-2, to the Growing Rural
31 Economies with Access to Technology Fund the sum of three hundred forty million dollars
32 (\$340,000,000) for the 2021-2022 fiscal year for broadband infrastructure grants awarded
33 pursuant to G.S. 143B-1373.

34 **SECTION 4.4.** Subject to applicable federal guidelines, of the funds appropriated in
35 this act, the Department of Information Technology may use up to one percent (1%) for
36 administration of broadband grant programs receiving American Rescue Plan Act (P.L. 117-2)
37 funds in this act.

39 PART V. DEVELOPMENT TIER FREEZE AND EFFECTIVE DATE

40 **SECTION 5.1.** For grant applications submitted through the 2024-2025 fiscal year
41 pursuant to G.S. 143B-1373, 143B-1373.1, and 143B-1373.2, the Office of Broadband
42 Infrastructure shall utilize the development tier status in the annual ranking performed by the
43 Department of Commerce pursuant to G.S. 143B-437.08 for the 2020 calendar year to offset any
44 disparate economic impacts of the COVID-19 pandemic that may be reflected in current and
45 subsequent development tier rankings.

46 **SECTION 5.2.** This act becomes effective July 1, 2021.