

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 197  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10095-MQ-43

Short Title: Broadband Changes/DIT.-AB (Public)

Sponsors: Representative Johnson.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES REGARDING  
3 BROADBAND DEPLOYMENT WITH THE DEPARTMENT OF INFORMATION  
4 TECHNOLOGY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 143B-1373 reads as rewritten:

7 "§ 143B-1373. Growing Rural Economies with Access to Technology (GREAT) program.

8 ...

9 (d) Applications for grants will be submitted at times designated by the Secretary and  
10 will include, at a minimum, the following information:

11 ...

12 (15) A listing of areas in the State that are being provided broadband service by the  
13 broadband service provider applying for funds.

14 ...

15 (e) Applications shall be made publicly available by posting on the Web site of the  
16 Department of Information Technology for a period of at least 20 days prior to award. During  
17 the 20-day period, any interested party may submit comments to the Secretary concerning any  
18 pending application. A broadband service provider currently providing broadband service in a  
19 project area proposed in an application may submit a protest of any application on the grounds  
20 the proposed project covers an area that is a protected area under subsection (c) of this section,  
21 or that the proposed project area contains ten percent (10%) or more of total households with  
22 access to broadband service as defined in this section. Protests shall be submitted in writing,  
23 accompanied by all credible and relevant supporting documentation, including specific  
24 addresses, and detailed mapping demonstrating that the protesting broadband provider has  
25 installed infrastructure sufficient to provide broadband service to the specific addresses provided  
26 in the protest, along with an attestation that broadband service is available in the public  
27 right-of-way at the specific addresses indicated. In addition, the protest shall include a listing of  
28 areas in the State that are being provided broadband service by the broadband service provider  
29 submitting the protest. The protest shall be considered by the Office in connection with the review  
30 of the application. Upon submission of evidence satisfactory to the Office that the proposed  
31 project area includes a protected area or prospective broadband recipients that are presently  
32 served, as measured using a methodology satisfactory to the Office, the Office may work with  
33 an applicant to amend an application to reduce the number of unserved prospective broadband  
34 recipients in the project area to reflect an accurate level of current broadband service. The Office  
35 may revise application scores in accordance with amended applications; however, the Office may  
36 reject any amended application resulting in a lower application score to the extent that the lower



1 score would have impacted the ranking of the application in the initial scoring process. For  
2 applications with filed protests, the Secretary shall issue a written decision to the protesting party  
3 at least 15 days prior to the approval of that application. Following a protest that is granted for a  
4 portion of the application, the Office may release to an applicant the locations or areas declared  
5 ineligible. The information released to the applicant is not a public record, as that term is defined  
6 under G.S. 132-1, and shall remain confidential. Any provider submitting a protest shall verify  
7 that the information in the protest is accurate and that the protest is submitted in good faith. The  
8 Office may deny any protest or application that is incomplete or contains inaccurate information.

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

15 ...  
16 (m) The Office of Broadband Infrastructure in the Department of Information Technology  
17 (Office) shall be the designated agency for receipt and disbursement of federal grant funds  
18 intended for the State for broadband expansion and shall seek available federal grant funds for  
19 that purpose. ~~All federal-Federal~~ grant funds received for the purpose of broadband expansion  
20 shall be disbursed in accordance with this ~~section-section~~, G.S. 143B-1373.1, or as otherwise  
21 directed by an act of the General Assembly. The Office shall serve as the designated agency for  
22 the receipt of all State, federal, and private grants, gifts, or matching funds for broadband  
23 mapping, as provided by G.S. 143B-1370(a)(5)h. ~~Funds received under this subsection shall~~  
24 ~~remain unexpended until appropriated by an act of the General Assembly.~~ For the purposes of  
25 this subsection, the term "broadband expansion" means a program designed to expand broadband  
26 infrastructure or broadband utilization.

27 ...."

28 **SECTION 2.** Section 38.5 of S.L. 2021-180, as amended by Section 10.1 of S.L.  
29 2021-189 and Section 16.1(b) of S.L. 2022-6, reads as rewritten:

30 "**SECTION 38.5.** The Department of Information Technology shall use the funds  
31 appropriated in this act for Stopgap Solutions–Federal Broadband Funds to provide grants to  
32 internet service providers, local government entities, and nonprofits for the provision and  
33 installation of infrastructure, as that term is defined in G.S. 143B-1373(a), that will expand the  
34 provision of broadband service to unserved and underserved ~~households-households, businesses,~~  
35 State facilities, and community anchor institutions in this State. The Department shall ensure that  
36 grant funds are awarded and utilized in compliance with applicable federal guidelines. No more  
37 than five percent (5%) of the funds described in this section may be granted for broadband  
38 projects located in any single county."

39 **SECTION 3.** Section 38.4(b) of S.L. 2021-180, as amended by Section 6(a) of S.L.  
40 2022-69, reads as rewritten:

41 "**SECTION 38.4.(b)** The Department of Information Technology shall incorporate the intent  
42 of the General Assembly as described in subsection (a) of this section in any proposal or  
43 application for funding under the federal Infrastructure Investment and Jobs Act (P.L. 117-58)  
44 for grants in the Broadband Equity, Access, and Deployment Program (B.E.A.D.) and the  
45 Enabling Middle Mile Broadband Infrastructure Program. Of the initial federal B.E.A.D. funds  
46 received under the federal Infrastructure Investment and Jobs Act (P.L. 117-58) for broadband  
47 programs, the Department of Information Technology may utilize (i) up to three percent (3%) of  
48 initial B.E.A.D. grant funds for planning ~~purposes and purposes,~~ (ii) up to two percent (2%) of  
49 initial B.E.A.D. grant funds for administrative purposes, and (iii) any Digital Equity planning  
50 and grant funds received by the Department of Information Technology, and these funds are  
51 hereby appropriated for those purposes. All other funds received under the federal Infrastructure

1 Investment and Jobs Act shall remain unexpended until appropriated by an act of the General  
2 Assembly."

3           **SECTION 4.** This act is effective when it becomes law.