

HOUSE BILL REPORT

HB 1700

As Reported by House Committee On:
Technology, Energy & Communications
General Government Appropriations

Title: An act relating to conducting an inventory of publicly owned high- speed internet infrastructure.

Brief Description: Conducting an inventory of publicly owned high-speed internet infrastructure.

Sponsors: Representatives Hudgins, McCoy and Hasegawa.

Brief History:

Committee Activity:

Technology, Energy & Communications: 2/4/09, 2/12/09 [DPS];
General Government Appropriations: 2/25/09 [DP2S(w/o sub TEC)].

Brief Summary of Second Substitute Bill

- Requires, subject to the availability of funds, the Department of Information Services to survey high-speed internet infrastructure owned or leased by state agencies and create a map.

HOUSE COMMITTEE ON TECHNOLOGY, ENERGY & COMMUNICATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle, Condotta, Finn, Hasegawa, Herrera, Hinkle, Hudgins, Jacks, McCune, Morris, Takko and Van De Wege.

Staff: Kara Durbin (786-7133)

Background:

Federal Broadband Efforts.

In 2008 Congress passed the Broadband Data Improvement Act (Act). Part of the Act directed the Secretary of Commerce to make competitive grants available to states to support

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identification and tracking of availability and adoption of broadband services. Any competitive grants awarded would require a 20 percent match of non-federal funding.

The Act also required the Federal Communications Commission (FCC) to provide eligible entities with electronic access to aggregate data collected by the FCC from broadband service providers. "Eligible entity" is defined as an entity that is: (1) either a state agency or instrumentality of the state, a non-profit organization, or certain independent agencies; and (2) the single eligible entity designated by the state to receive such a grant.

While the Act provided authorization for funding, no funds have been appropriated by the federal government to implement the Act.

State Broadband Efforts.

In 2008 the Legislature directed the Department of Information Services (DIS) to convene a work group to identify and develop strategies for high-speed internet deployment and adoption. The DIS established the High-Speed Internet Strategy Work Group (Work Group) in June of 2008, which included representatives from government, community, education, business, non-profit, economic development, health care, technology, union, public utility, and service provider interests. The Work Group met seven times between July of 2008 and November of 2008. It issued its final report to the Legislature on December 1, 2008.

In its report, the DIS, in concurrence with the Work Group, made the following recommendations:

1. *Defining High-Speed Internet Service:* The state should adopt a definition of "high-speed internet service" that is consistent with the FCC's broadband speed tiers in the upload and download direction, except for the bottom tier. High-speed internet should also be defined by the applications it can enable.
2. *Mapping:* The state should consider mapping at the census tract level, rather than the census block level. The map should be produced by a third-party entity to ensure the confidentiality of proprietary and competitively sensitive data. The map should provide adoption information, availability information, the technology used, and available speed tiers. The map should provide a link to the service provider's web site to provide pricing data. An interactive, web-based map also should be available to allow queries and inputs from consumers.
3. *Local Technology Teams:* The DIS should coordinate Local Technology Planning Teams (LTPTs) and assist the LTPTs in conducting local needs assessments, developing and implementing strategic plans, and identifying funding sources.
4. *Spurring Development:* The state should conduct several initiatives to spur the development of high-speed internet in the state, which may include expanding the Community Technology Opportunities Program, soliciting funding sources, and establishing low-cost hardware and software programs.

5. *Benchmarks*: The DIS should oversee tracking of residential, business, and statewide high-speed internet adoption. A variety of metrics and benchmarks should be used to measure the success of the state's high-speed internet deployment and adoption strategy.

The final report also recommended that legislation be introduced to: (1) authorize the DIS to coordinate implementation of the high-speed internet deployment and adoption strategy, as outlined in the report; and (2) provide initial funding to support implementation.

Summary of Substitute Bill:

The Department of Information Services (DIS) must conduct a detailed survey of all high-speed internet infrastructure owned or leased by state agencies. State agencies must respond to any request for information from the DIS in a reasonable and timely manner.

Within existing resources, the DIS must use the high-speed infrastructure information collected through its survey to create a geographic information system (GIS) map by December 1, 2016.

The DIS may create an interactive web site to allow residents to self-report where high-speed internet is available and at what speed.

The Department of Community, Trade and Economic Development, the Utilities and Transportation Commission, the DIS, and any other government agency may accept high-speed internet infrastructure information that is voluntarily provided.

Substitute Bill Compared to Original Bill:

The substitute bill limits the mapping conducted by the DIS to high-speed internet owned or leased by state agencies. It authorizes the DIS to create an interactive web site to allow residents to self-report whether high-speed internet service is available in their area. It removes the repeal of RCW 43.105.350 and instead provides that the DIS and other government entities may accept high-speed internet infrastructure information from telecommunications or high-speed internet providers if it is voluntarily provided.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The High Speed Internet Strategy Work Group (Work Group) was an excellent start in moving the state forward on broadband. The goal is to bring forward and implement the recommendations of the Work Group without it costing the state very much money. The state needs to position itself to be ready to receive federal funding

Broadband is of critical value to all parts of our state – rural and urban. Jobs, business, education, and health care can be more efficiently distributed by government with broadband.

The federal economic stimulus package has included \$350 million for mapping, infrastructure and other efforts. This funding, if approved, could support a multi-year broadband effort in our state.

Broadband deployment and adoption programs should all be housed at one place -- the Department of Information Services (DIS). The take rate is often a function of being able to afford the monthly fee. We hope to position the DIS to apply for federal funding for low-income access to broadband.

(In support with concerns) It is important to work with community groups in which there is no broadband provider to identify opportunities where broadband would increase take rates. Some areas are very expensive to serve, but working with community groups may allow us to identify opportunities in which there may be a need that the provider isn't aware of.

Repealing the statute dealing with state collection of data is concerning. We think it could be tweaked to allow providers to voluntarily put forward this type of data.

(Opposed) The mapping component of this bill needs to recognize that the public sector operates under Homeland Security directives to protect critical infrastructure. There is concern about mapping public infrastructure because such mapping is tied to an expectation that excess capacity could be used for future uses.

Persons Testifying: (In support) Representative Hudgins, prime sponsor; and Gail Love, Communications Workers of America.

(In support with concerns) Steve Gano, AT&T; Ron Main, Broadband Cable Association; and Mary Taylor, CenturyTel.

(Opposed) Victoria Lincoln, Association of Washington Cities; Genesee Adkins, City of Seattle; and Vicki Austin, Washington Public Utility Districts Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by 13 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking

Minority Member; Blake, Dunshee, Hudgins, Kenney, Pedersen, Sells, Short, Van De Wege and Williams.

Staff: Alex MacBain (786-7288)

Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On Technology, Energy & Communications:

The General Government Appropriations Committee recommended that the infrastructure survey and development of a geographic information map are contingent on the availability of federal or state funding; that the Department of Information Services (DIS) is an eligible entity for purposes of the federal Broadband Data Improvement Act and that the DIS may accept federal funds made available for broadband; and recommended the addition of specific information that state agencies must disclose to the DIS as part of the infrastructure survey.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The original thinking for this bill was that the DIS is already starting efforts to figure out where all of the internet infrastructure in the state is located. That is why originally the bill required the DIS to do this within existing resources. The new thinking is that the federal government has made federal funds available for this type of activity. This bill designates the DIS to receive any federal funds. The bill builds on the infrastructure and the work that the Legislature has already done with work groups and studies. A study has been completed about the disparity of internet access. This bill leaves it open so that we could still do the work if we receive federal money. It would be nice for the federal government to help pay for it.

(Opposed) None.

Persons Testifying: Representative Hudgins, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.