

1 AN ACT relating to broadband deployment.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 224A.011 is amended to read as follows:

4 As used in this chapter, unless the context requires otherwise:

- 5 (1) "Administrative fee" means a fee assessed and collected by the authority from
6 borrowers under assistance agreements, to be used for operational expenses of the
7 authority;
- 8 (2) "Applicable interest rate" means the rate of interest which shall be used as part of
9 the repayment criteria for an assistance agreement between a governmental agency
10 and the authority, and shall be determined by the authority pertinent to the source of
11 funds from which the assistance agreement is funded;
- 12 (3) "Assistance agreement" means the agreement to be made and entered into by and
13 between a governmental agency and the authority, as authorized by this chapter,
14 providing for a lease, loan, services, or grant to the governmental agency or for the
15 purchase of obligations issued by the governmental agency, and for the repayment
16 thereof to the authority by the governmental agency;
- 17 (4) "Authority" means the Kentucky Infrastructure Authority, which is created by this
18 chapter;
- 19 (5) "Authority revenues" means the totality of all:
- 20 (a) Service charges;
- 21 (b) Utility tax receipts, to the extent not otherwise committed and budgeted by the
22 authority during any fiscal period of the authority;
- 23 (c) Any gifts, grants, or loans received, to the extent not otherwise required to be
24 applied;
- 25 (d) Any and all appropriations made to the authority by the General Assembly of
26 the Commonwealth of Kentucky, to the extent not otherwise required to be
27 applied;

- 1 (e) All moneys received in repayment of and for interest on any loans made by the
2 authority to a governmental agency, except as provided in KRS 224A.111,
3 224A.1115, and 224A.112, or as principal of and interest on any obligations
4 issued by a governmental agency and purchased by the authority, or as receipts
5 under any assistance agreement;
- 6 (f) The proceeds of bonds or long-term debt obligations of governmental
7 agencies pledged to the payment of bond anticipation notes issued by the
8 authority on behalf of the said governmental agency to provide interim
9 construction financing; and
- 10 (g) Payments under agreements with any agencies of the state and federal
11 government;
- 12 (6) "Borrower or borrowing entity" means any agency of the state or its political
13 subdivisions, any city, or any special district created under the laws of the state
14 acting individually or jointly under interagency or interlocal cooperative agreements
15 to enter into assistance agreements with the authority;
- 16 (7) **"Broadband" means any wireline or fixed wireless technology having a capacity**
17 **to transmit data from or to the Internet with a minimum speed of twenty-five (25)**
18 **megabits per second downstream and three (3) megabits per second upstream as**
19 **defined by the Federal Communications Commission or any amendments**
20 **thereto;**
- 21 (8) **"Broadband deployment fund" means a fund to assist with the construction,**
22 **development, or improvement of broadband infrastructure, broadband services,**
23 **or technologies that constitute a part of, or are related to, broadband**
24 **infrastructure or broadband services, to provide for broadband service in**
25 **underserved or unserved areas of the Commonwealth;**
- 26 (9) **"Broadband deployment project" means a proposed deployment of broadband**
27 **service infrastructure set forth in an application for grant funding under Section**

1 **3 of this Act;**

2 **(10) "Broadband deployment project area" means a geographic area determined by**
3 **census block or shapefile geospatial data for which grant funding has been**
4 **authorized under Sections 1 to 4 of this Act;**

5 **(11) "Census block" means the smallest geographic unit used by the United States**
6 **Census Bureau that is reported on the Federal Communications Commission**
7 **(FCC) Form 477 relating to fixed broadband deployment data;**

8 **(12)** "Community flood damage abatement project" means any structural or nonstructural
9 study, plan, design, construction, development, improvement, or other activity to
10 provide for flood control;

11 **(13)**~~(8)~~ "Construction" means and includes but is not limited to:

12 (a) Preliminary planning to determine the economic and engineering feasibility of
13 infrastructure projects, the engineering, architectural, legal, fiscal, and
14 economic investigations, and studies necessary thereto, and surveys, designs,
15 plans, working drawings, specifications, procedures, and other actions
16 necessary to the construction of infrastructure or solid waste projects;

17 (b) The erection, building, acquisition, alteration, remodeling, improvement, or
18 extension of infrastructure or solid waste projects; and

19 (c) The inspection and supervision of the construction of infrastructure or solid
20 waste projects and all costs incidental to the acquisition and financing of
21 same. This term shall also relate to and mean any other physical devices or
22 appurtenances in connection with, or reasonably attendant to, infrastructure or
23 solid waste projects;

24 **(14)**~~(9)~~ "Dams" means any artificial barrier, including appurtenant works, which does
25 or can impound or divert water, and which either:

26 (a) Is or will be twenty-five (25) feet or more in height from the natural bed of the
27 stream or watercourse at the downstream toe of the barrier, as determined by

1 the Energy and Environment Cabinet; or

2 (b) Has or will have an impounding capacity at maximum water storage elevation
3 of fifty (50) acre feet or more;

4 ~~(15)~~~~(10)~~ "Distribution facilities" means all or any part of any facilities, devices, and
5 systems used and useful in obtaining, pumping, storing, treating, and distributing
6 water for agricultural, industrial, commercial, recreational, public, and domestic
7 use;

8 ~~(16)~~~~(11)~~ "Energy and Environment Cabinet" means the Kentucky Energy and
9 Environment Cabinet, or its successor, said term being meant to relate specifically
10 to the state agency which is designated as the water pollution agency for the
11 Commonwealth of Kentucky, for purposes of the federal act;

12 ~~(17)~~~~(12)~~ "Federal act" means the Federal Clean Water Act (33 U.S.C. secs. 1251 et
13 seq.) as said federal act may be amended from time to time in the future, or any
14 other enactment of the United States Congress providing funds that may assist in
15 carrying out the purposes of the authority;

16 ~~(18)~~~~(13)~~ "Federally assisted wastewater revolving fund" means that fund which will
17 receive federal and state funds or the proceeds from the sale of revenue bonds of the
18 authority for the purpose of providing loans to finance construction of publicly
19 owned treatment works as defined in Section 212 of the federal act and for the
20 implementation of a management program established under Section 319 of the
21 federal act and for the development and implementation of a conservation and
22 management plan under Section 320 of the federal act;

23 ~~(19)~~~~(14)~~ "Governmental agency" means any incorporated city or municipal corporation,
24 or other agency, or unit of government within or a department or a cabinet of the
25 Commonwealth of Kentucky, now having or hereafter granted, the authority and
26 power to finance, acquire, construct, or operate infrastructure or solid waste
27 projects. This definition shall specifically apply but not by way of limitation to

1 incorporated cities; counties, including any counties containing a metropolitan
2 sewer district; sanitation districts; water districts; water associations if these
3 associations are permitted to issue interest-bearing obligations which interest would
4 be excludable from gross income under Section 103 of the Internal Revenue Code
5 of 1986 as amended; sewer construction districts; metropolitan sewer districts;
6 sanitation taxing districts; a regional wastewater commission established under
7 KRS 65.8901 to 65.8923; and any other agencies, commissions, districts, or
8 authorities (either acting alone, or in combination with one another in accordance
9 with any regional or area compact, or intergovernmental cooperative agreements),
10 now or hereafter established in accordance with the laws of the Commonwealth of
11 Kentucky having and possessing the described powers described in this subsection;

12 (20)~~(15)~~ "Industrial waste" means any liquid, gaseous, or solid waste substances
13 resulting from any process of industry, manufacture, trade, or business, or from the
14 mining or taking, development, processing, or recovery of any natural resources,
15 including heat and radioactivity, together with any sewage as is present therein,
16 which pollutes the waters of the state, and specifically, but not by way of limitation,
17 means heat or thermal differentials created in the waters of the state by any
18 industrial processing, generating, or manufacturing processes;

19 (21)~~(16)~~ "Infrastructure project" means any construction or acquisition of treatment
20 works, facilities related to the collection, transportation, and treatment of
21 wastewater as defined in KRS 65.8903, distribution facilities, or water resources
22 projects instituted by a governmental agency or an investor-owned water utility
23 which is approved by the authority and, if required, by the Energy and Environment
24 Cabinet, Public Service Commission, or other agency; solid waste projects; dams;
25 storm water control and treatment systems; gas or electric utility; broadband
26 deployment project; or any other public utility or public service project which the
27 authority finds would assist in carrying out the purposes set out in KRS 224A.300;

- 1 ~~(22)~~~~(17)~~ "Infrastructure revolving fund" means that fund which will receive state funds,
2 the proceeds from the sale of revenue bonds of the authority or other moneys
3 earmarked for that fund for the purpose of providing loans or grants to finance
4 construction or acquisition of infrastructure projects as defined in this section;
- 5 ~~(23)~~~~(18)~~ "Loan or grant" means moneys to be made available to governmental agencies
6 by the authority for the purpose of defraying all or any part of the total costs
7 incidental to construction or acquisition of any infrastructure project;
- 8 ~~(24)~~~~(19)~~ "Market interest rate" means the interest rate determined by the authority
9 under existing market conditions at the time the authority shall provide financial
10 assistance to a governmental agency;
- 11 ~~(25)~~~~(20)~~ "Obligation of a governmental agency" means a revenue bond, bond
12 anticipation note, revenue anticipation note, lease, or other obligation issued by a
13 governmental agency under KRS 58.010 et seq. or other applicable statutes;
- 14 ~~(26)~~~~(21)~~ "Person" means any individual, firm, partnership, association, corporation, or
15 governmental agency;
- 16 ~~(27)~~~~(22)~~ "Pollution" means the placing of any noxious or deleterious substances
17 ("pollutants"), including sewage and industrial wastes, in any waters of the state or
18 affecting the properties of any waters of the state in a manner which renders the
19 waters harmful or inimical to the public health or to animal or aquatic life, or to the
20 use, present or future, of these waters for domestic water supply, industrial or
21 agricultural purposes, or recreational purposes;
- 22 ~~(28)~~~~(23)~~ "Prioritization schedules" means the list of wastewater treatment works,
23 distribution facilities and water resources projects which the Energy and
24 Environment Cabinet has evaluated and determined to be of priority for receiving
25 financial assistance from the federally assisted wastewater revolving fund and the
26 federally assisted drinking water revolving fund, or the list of infrastructure projects
27 which the authority has evaluated and determined to be of priority for receiving

1 financial aid from the infrastructure revolving fund. The evaluation by the authority
2 of infrastructure projects for water systems shall be undertaken with input from the
3 appropriate area development district. The evaluation by the authority of
4 infrastructure for broadband deployment projects shall be undertaken with
5 consideration given to input from area development districts, telecommunications
6 businesses, information services, technology industries, governmental entities, and
7 Kentucky-based nonprofit organizations, including ConnectKentucky;{

8 ~~(24) "Solid waste project" means construction, renovation, or acquisition of a solid waste~~
9 ~~facility which shall be instituted and owned by a governmental agency;}~~

10 (29)~~(25)~~ "Recovered material" means those materials which have known current use,
11 reuse, or recycling potential, which can be feasibly used, reused, or recycled, and
12 which have been diverted or removed from the solid waste stream for sale, use,
13 reuse, or recycling, whether or not requiring subsequent separation and processing
14 but does not include materials diverted or removed for purposes of energy recovery
15 or combustion except refuse-derived fuel (RDF), which shall be credited as a
16 recovered material in an amount equal to that percentage of the municipal solid
17 waste received on a daily basis at the processing facility and processed into RDF;
18 but not to exceed fifteen percent (15%) of the total amount of the municipal solid
19 waste received at the processing facility on a daily basis;

20 (30)~~(26)~~ "Recovered material processing facility" means a facility engaged solely in the
21 storage, processing, and resale or reuse of recovered material but does not mean a
22 solid waste facility if solid waste generated by a recovered material processing
23 facility is managed in accordance with KRS Chapter 224 and administrative
24 regulations adopted by the cabinet;

25 (31)~~(27)~~ "Revenue bonds" means special obligation bonds issued by the authority as
26 provided by the provisions of this chapter, which are not direct or general
27 obligations of the state, and which are payable only from a pledge of, and lien upon,

1 authority revenues as provided in the resolution authorizing the issuance of the
2 bonds, and shall include revenue bond anticipation notes;

3 ~~(32)~~~~(28)~~ "Service charge" means any monthly, quarterly, semiannual, or annual charge
4 to be imposed by a governmental agency, or by the authority, for any infrastructure
5 project financed by the authority, which service charge arises by reason of the
6 existence of, and requirements of, any assistance agreement;

7 ~~(33)~~~~(29)~~ "Sewage" means any of the waste products or excrements, or other discharges
8 from the bodies of human beings or animals, which pollute the waters of the state;

9 **(34) "Shapefile" means a file format for storing, depicting, and analyzing geospatial**
10 **data showing broadband coverage;**

11 ~~(35)~~~~(30)~~ "Solid waste" means "solid waste" as defined by KRS 224.1-010(30)(a);

12 ~~(36)~~~~(31)~~ "Solid waste facility" means any facility for collection, handling, storage,
13 transportation, transfer, processing, treatment, or disposal of solid waste, whether
14 the facility is associated with facilities generating the waste or otherwise, but does
15 not include a container located on property where the waste is generated and which
16 is used solely for the purpose of collection and temporary storage of that solid waste
17 prior to off-site disposal, or a recovered material processing facility;

18 **(37) "Solid waste project" means construction, renovation, or acquisition of a solid**
19 **waste facility which shall be instituted and owned by a governmental agency;**

20 ~~(38)~~~~(32)~~ "Solid waste revolving fund" means that fund which shall receive state funds,
21 the proceeds from the sale of revenue bonds of the authority, or other moneys
22 earmarked for the purpose of providing loans or grants to finance solid waste
23 projects defined in this section;

24 ~~(39)~~~~(33)~~ "State" means the Commonwealth of Kentucky;

25 ~~(40)~~~~(34)~~ "System" means the system owned and operated by a governmental agency
26 with respect to solid waste projects, treatment works, or infrastructure projects
27 financed as provided by the assistance agreement between the governmental agency

1 and the authority;

2 ~~(41)~~~~(35)~~ "Treatment works" or "wastewater treatment works" means all or any part of
3 any facilities, devices, and systems used and useful in the storage, treatment,
4 recycling, and reclamation of wastewater or the abatement of pollution, including
5 facilities for the treatment, neutralization, disposal of, stabilization, collecting,
6 segregating, or holding of wastewater, including without limiting the generality of
7 the foregoing, intercepting sewers, outfall sewers, pumping power stations, and
8 other equipment and their appurtenances; extensions, improvements, remodeling,
9 additions, and alterations thereof, and any wastewater treatment works, including
10 site acquisition of the land that will be an integral part of the wastewater treatment
11 process, or is used for ultimate disposal of residues resulting from wastewater
12 treatment, together with any other facilities which are deemed to be treatment works
13 in accordance with the federal act;

14 **(42) "Underserved area" means any project area where fixed, terrestrial broadband**
15 **service with a minimum twenty-five (25) megabits per second downstream and**
16 **three (3) megabits per second upstream is not available;**

17 **(43) "Unserved area" means any project area where fixed, terrestrial broadband**
18 **service with a minimum ten (10) megabits per second downstream and one (1)**
19 **megabit per second upstream is not available;**

20 **(44) "Utility tax" means the tax which may be imposed by the authority on every**
21 **purchase of water or sewer service in the Commonwealth of Kentucky;**

22 ~~(45)~~~~(36)~~ "Variable rate revenue bonds" means revenue bonds the rate of interest on
23 which fluctuates either automatically by reference to a predetermined formula or
24 index or in accordance with the standards set forth in KRS 224A.120;

25 ~~(46)~~~~(37)~~ "Wastewater" means any water or liquid substance containing sewage,
26 industrial waste, or other pollutants or contaminants derived from the prior use of
27 these waters;

1 ~~(47)~~~~[(38)]~~ "Water resources" means all waters of the state occurring on the surface, in
2 natural or artificial channels, lakes, reservoirs, or impoundments, and in subsurface
3 aquifers, which are available, or which may be made available to agricultural,
4 industrial, commercial, recreational, public, and domestic users;

5 ~~(48)~~~~[(39)]~~ "Water resources project" means any structural or nonstructural study, plan,
6 design, construction, development, improvement, or any other activity including
7 programs for management, intended to conserve and develop the water resources of
8 the state and shall include all aspects of water supply, facilities to collect, transport,
9 and treat wastewater as defined in KRS 65.8903, flood damage abatement,
10 navigation, water-related recreation, and land conservation facilities and measures;

11 **and**

12 ~~(49)~~~~[(40)]~~ "Waters of the state" means all streams, lakes, watercourses, waterways,
13 ponds, marshes, wells, springs, irrigation systems, drainage systems, and all other
14 bodies or accumulations of water, surface and underground, natural or artificial,
15 which are situated wholly or partly within, or border upon, this state, or are within
16 its jurisdiction, except those private waters which do not combine or effect a
17 junction with natural, surface, or underground waters[;]

18 ~~(41)~~ "~~Utility tax~~" ~~means the tax which may be imposed by the authority on every~~
19 ~~purchase of water or sewer service in the Commonwealth of Kentucky;~~

20 ~~(42)~~ "~~Broadband deployment project~~" ~~means the construction, provision, development,~~
21 ~~operation, maintenance, leasing, or improvement of broadband infrastructure,~~
22 ~~broadband services, or technologies that constitute a part of, or are related to,~~
23 ~~broadband infrastructure or broadband services, to provide for broadband service in~~
24 ~~unserved areas of the Commonwealth; and~~

25 ~~(43)~~ "~~Unserved area~~" ~~means any place where broadband service is not available~~].

26 ➔Section 2. KRS 224A.110 is amended to read as follows:

27 **(1)** All moneys derived by the authority pursuant to assistance agreements other than

1 those assistance agreements funded under KRS 224A.111, ~~and~~ 224A.112, and
 2 Section 4 of this Act shall be received by the authority as constituting authority
 3 revenues, and shall, in common with other authority revenues, be immediately
 4 deposited into such funds or accounts as the authority shall designate.

5 (2) Moneys derived by the authority pursuant to assistance agreements funded under
 6 KRS 224A.111 and all federal and state money or proceeds from the sale of revenue
 7 bonds of the authority received in support of assistance agreements funded under
 8 KRS 224A.111 shall be deposited into an account designated as the "federally
 9 assisted wastewater revolving fund."

10 (3) Moneys derived by the authority pursuant to assistance agreements funded under
 11 KRS 224A.112, Section 4 of this Act, and all state money or proceeds from the sale
 12 of revenue bonds of the authority received in support of KRS 224A.112 or Section
 13 4 of this Act shall be deposited into an account designated as the "infrastructure
 14 revolving fund."

15 (4) All authority revenues shall, before being expended for any other purposes of the
 16 authority, first be applied to the payment of the principal of and interest on authority
 17 revenue bonds in accordance with the resolution authorizing their issuance, as, and
 18 when the same become due and payable.

19 ➔Section 3. KRS 224A.112 is amended to read as follows:

20 (1) The infrastructure revolving fund shall be established in the State Treasury and shall
 21 be administered by the authority.

22 (2)(a) The fund shall be a dedicated fund, and all moneys in the fund shall be
 23 dedicated solely to:

24 1. Providing financial assistance to governmental agencies, and investor-
 25 owned water systems as provided for in KRS 96.540, 224A.306,
 26 224A.308, and 224A.310, for the construction or acquisition of
 27 infrastructure projects through. ~~The fund shall contain~~ an account

1 designated as~~[called]~~ the 2020 water service account; and
 2 2. Providing assistance to governmental agencies and private sector
 3 entities in the form of grants to construct infrastructure for the
 4 deployment of broadband service to underserved or unserved areas of
 5 the Commonwealth through an account designated as~~]. The 2020~~
 6 ~~water service account shall be managed by the authority as set out in this~~
 7 ~~chapter. The fund shall contain an account called] the broadband~~
 8 ~~deployment~~ fund~~[account, which shall be managed by the authority and]~~
 9 for the purposes set forth in KRS 224A.1121.

10 (3) The financial assistance which may be provided ~~[to governmental agencies]~~by the
 11 revolving fund shall be limited to:

12 (a) Making loans, on the condition that the loans are made at or below market
 13 interest rates, including interest free loans, at terms not to exceed thirty (30)
 14 years and that the fund will be credited with all payments of principal and
 15 interest on all loans;

16 (b) Purchasing or guaranteeing, or purchasing insurance for, local or state
 17 obligations when the action would improve credit market access or reduce
 18 interest rates;

19 (c) Providing a source of revenue or security for the payment of principal and
 20 interest on bonds or notes issued by the authority or other agencies of the state
 21 if the proceeds of the sale of the bonds will be deposited in the fund;

22 (d) Providing moneys with which to carry out the requirements of assistance
 23 agreements; and

24 (e) Making grants as funds specifically appropriated for grants or proceeds from
 25 the sale of the authority's revenue bonds are available.

26 (4) The revolving fund shall be established, maintained, and credited with repayments
 27 and the fund balance shall be available in perpetuity for its stated purposes.

1 (5) The authority may provide financial assistance from the fund to supplement
 2 assistance provided from the federally assisted wastewater revolving fund as created
 3 in KRS 224A.111.

4 (6) The authority shall advise governmental agencies of the availability of the
 5 infrastructure revolving fund and how moneys may be obtained from the fund.

6 (7) The authority may enter into any necessary or required agreement with federal or
 7 state agencies or persons to carry out the provisions of this section. All state
 8 agencies shall cooperate with the authority and share information with the authority
 9 as appropriate to accomplish the purposes set out in KRS 224A.300.

10 **(8) Moneys in the fund are hereby appropriated for the purposes set forth in Sections**
 11 **3 and 4 of this Act.**

12 **(9) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of**
 13 **the fiscal year shall not lapse but shall be carried forward into the succeeding**
 14 **fiscal year to be used for the purposes set forth in Sections 3 and 4 of this Act.**

15 **(9) Interest earned on moneys in the broadband deployment fund shall stay in the**
 16 **fund.**

17 ➔Section 4. KRS 224A.1121 is amended to read as follows:

18 (1) The purpose of the broadband deployment ~~fund~~_[account] set forth in KRS
 19 224A.112 shall be to assist **governmental agencies**~~[governments]~~ and private sector
 20 entities to construct infrastructure for the deployment of broadband service to
 21 **underserved or** unserved areas of the Commonwealth. The authority shall manage
 22 the ~~fund~~_[account] and may accept and receive appropriations from the General
 23 Assembly or other funds or gifts from both public and private sources, including but
 24 not limited to local governments and federal agencies.

25 (2) The authority shall establish **a grant**~~[an incentive]~~ program that allocates funds
 26 from the broadband deployment ~~fund~~_[account] in accordance with this section.
 27 **Grant funds**~~[Incentives]~~ may be used by government or private sector entities for

- 1 broadband deployment projects.
- 2 (3) The ~~grant~~~~incentive~~ program shall be developed to give highest funding priority to
3 those projects which most effectively provide broadband service to the greatest
4 number of **underserved and** unserved Kentucky citizens~~[and at the lowest cost].~~
5 Funding shall not be used ~~[for projects with an intent]~~to deploy broadband service
6 to areas where **fixed, terrestrial** broadband service **meets or exceeds twenty-five**
7 **(25) megabits per second downstream and three (3) megabits per second**
8 **upstream**~~[already exists; however, the authority may consider funding for projects~~
9 ~~that, in providing broadband service for an unserved area, create an overlap in~~
10 ~~existing broadband coverage for less than twenty percent (20%) of households in~~
11 ~~the proposed coverage area].~~
- 12 (4) The authority shall develop funding criteria and prioritization schedules for
13 broadband deployment projects **in a technology-neutral manner** in accordance
14 with this section and with consideration given to recommendations submitted by
15 area development districts, telecommunications businesses, information services,
16 technology industries, governmental entities, and by Kentucky-based nonprofit
17 organizations~~[, including ConnectKentucky].~~ **No funds shall be used to support**
18 **any broadband deployment project involving the upgrade of an existing**
19 **broadband facility or for non-capital expenses, non-broadband services,**
20 **marketing, or advertising. The broadband deployment project area shall be**
21 **described by census block including the specific addresses to be serviced or by**
22 **shapefile geospatial data.**
- 23 (5) **Monies in this fund shall not be used by or transferred to the Kentucky**
24 **Communications Network Authority.**
- 25 (6) **No grant shall be awarded for duplication of any existing broadband**
26 **infrastructure in the broadband deployment project area. As part of the grant**
27 **application process, the authority shall include an opportunity for a broadband**

1 service provider to dispute, including but not limited to, a grant applicant's
2 certification that the broadband deployment project area is underserved or
3 unserved and that the applicant has not received funds from another state or
4 federally funded grant program designed to encourage broadband deployment in
5 the area. The Federal Communications Commission Form 477 fixed broadband
6 deployment data reporting that includes the broadband deployment project area
7 shall be sufficient to show that a challenged project area is underserved or
8 unserved.

9 (7) Grant applicants shall pay fifty percent (50%) of the project cost from their own
10 funds which shall not include any matching funds received from federal or state
11 government grants or loans for broadband deployment in the project area.

12 (8) In awarding grants, the authority shall not consider any new or additional
13 regulatory responsibilities of the applicants other than those required under
14 applicable law, including but not limited to, open access network requirements or
15 any rate, service, or other requirements beyond the speed requirements.

16 (9) To carry out the purposes of this section, the authority shall promulgate
17 administration regulations in accordance with KRS Chapter 13A. All of the
18 authority's records relating to the broadband deployment fund shall be deemed
19 confidential unless disclosure is required under the provisions of the Open
20 Records Act, KRS 61.870 to 61.884.

21 ~~[(6) Projects receiving funding as provided by this section shall be completed within~~
22 ~~twelve (12) months of receiving the funds.]~~