



# OHIO LEGISLATIVE SERVICE COMMISSION

## Sub. Bill Comparative Synopsis

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### Sub. H.B. 378

132nd General Assembly  
(H. Finance)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (L_132_1864-2)	Sub. Version (L_132_1864-3)
Definition of "broadband service provider"	No provision.	Defines "broadband service provider" as an entity that provides broadband service ( <i>R.C. 122.97(B)</i> ).
Definition of "Internet service"	No provision.	Defines "Internet service" as Internet access service that serves end users primarily at fixed endpoints using stationary equipment, including fixed wireless services and fixed satellite services, but does not meet the Federal Communications Commission's speed benchmarks for broadband service ( <i>R.C. 122.97(C)</i> ).
Definition of "Internet service provider"	No provision.	Defines "Internet service provider" as an entity that provides Internet service ( <i>R.C. 122.97(D)</i> ).
Definition of "project area"	No provision.	Defines "project area" as an unserved area located within the state proposed to be served by broadband service through a grant issued under the bill ( <i>R.C. 122.97(H)</i> ).

Topic	Previous Version (L_132_1864-2)	Sub. Version (L_132_1864-3)
<b>Use of grant funds (R.C. 122.972)</b>	Provides that recipients of a grant under the Ohio Broadband Development Grant Program ("Program") must use the funds for the construction of broadband infrastructure to serve unserved areas of the state. Also provides that construction may include grant project planning.	Provides that recipients of a grant under the Program must use the funds for the construction of infrastructure to provide broadband service to unserved areas. Does not include grant project planning as an aspect of construction.
<b>Satellite service companies may apply for a grant</b>	Provides that companies providing satellite service may apply for a grant under the Program (R.C. 122.973(E)).	No provision.
<b>Program application: location (R.C. 122.974(A))</b>	Requires the application to include the location of the project.	Requires the application to include the location of the project area.
<b>Program application: infrastructure (R.C. 122.974(B))</b>	Requires the application to include information on the kind and amount of broadband infrastructure to be <i>purchased</i> for the project.	Requires the application to include information on the kind and amount of broadband infrastructure to be <i>installed</i> for the project, <i>including proposed speeds</i> .
<b>Program application: evidence area is unserved (R.C. 122.974(C))</b>	Requires the application to include evidence regarding the unserved nature of the community in which the project is to be located.	Requires the application to include evidence that the project area is an unserved area.
<b>Program application: households served (R.C. 122.974(D))</b>	Requires the application to include information on the number of households that will have access to broadband service as a result of the project, or whose broadband service will be upgraded as a result of the project.	Requires the application to only include information on the number of households that will have access to broadband as a result of the project.
<b>Program application: community support</b>	Requires the application to include evidence of community support for the project (R.C. 122.974(F)).	No provision.

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<b>Program application: amount of money sought</b>	No provision.	Requires the application to include the amount of grant money being sought ( <i>R.C. 122.974(H)</i> ).
<b>Program application: inquiries to existing service providers (<i>R.C. 122.974(I) and (J)</i>)</b>	Requires that if an applicant is a political subdivision, the application must include evidence that not later than six weeks before submission of the application, the applicant contacted all <i>broadband service providers</i> providing <i>broadband service</i> in the proposed project area to ask for each provider's plan to upgrade service in the project area, as well as any responses by <i>broadband service providers</i> .	Requires that if an applicant is a political subdivision, the application must include evidence that not later than six weeks before submission of the application, the applicant contacted all <i>Internet service providers</i> providing <i>Internet service</i> in the proposed project area to ask for each Internet service provider's plan to provide broadband service in the project area, as well as any responses by <i>Internet service providers</i> .
<b>Prioritizing applications</b>	Requires the Director of Development Services ("Director") to give priority to applications based on factors enumerated in the bill that include, for example, prioritizing projects that facilitate the use of telemedicine and electronic health records and provide access to a greater number of unserved households and businesses ( <i>R.C. 122.975(A)</i> ).	Establishes a two level prioritization process for the Director to follow in evaluating applications. Requires the Director to first classify and prioritize applicants based on proposed Internet speed in the following (slowest to fastest) order: (1) Less than 3 megabits per second (Mbps) download and 768 kilobits per second (Kbps) upload, (2) at least 3 but not more than 10 Mbps download and at least 768 Kbps but not more than 1 Mbps upload, and (3) 10 Mbps or greater download and 1 Mbps or greater upload, but not greater than the federal broadband service benchmarks for download or upload. Requires the Director to then evaluate applications within each classification to give priority to applications based on the factors described in L_132_1864-2, Previous

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		Version column. (R.C. 122.974(A) and (B).)
<b>Denying a grant application (R.C. 122.974(E))</b>	Requires the Director to deny a grant application if any <i>broadband service provider</i> provides a written response to an applicant's inquiry that credibly demonstrates that (1) the provider currently provides or has begun construction to provide broadband service in the project area at the federal broadband service benchmarks, or (2) the provider has credibly committed to complete construction to provide such service within 24 months.	Requires the Director to deny a grant application if any <i>Internet service provider</i> provides a written response to an applicant's inquiry that credibly demonstrates either (1) or (2) (described in the L_132_1864-2, Previous Version column).
<b>Contingency if broadband commitment not met</b>	No provision.	Provides that, for two funding cycles, the Director is prohibited from denying funding to an applicant in a project area in which an Internet service provider has failed to meet its broadband construction and service commitment, if an applicant was denied a grant because of the commitment. Provides that the prohibition does not apply if the provider's failure was because of factors beyond the provider's control. (R.C. 122.974(F).)
<b>Infrastructure ownership and responsibilities</b>	No provision.	Provides that an applicant that receives a grant must own the infrastructure installed pursuant to the grant award, and must be responsible for ongoing maintenance and upgrades to the infrastructure (R.C. 122.9712).

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Laying fiber optic cable on or near state highways	No provision.	Encourages the Director of Transportation to work with telecommunications providers in an effort to lay fiber optic cable on or near state highways when creating new or fixing existing state highways ( <i>R.C. 5511.11</i> ).