

BROADBAND EXPANSION ACT OF MICHIGAN (EXCERPT)
Act 224 of 2020

484.3257 Application requirement; priorities in making grant award recommendations; publication of grant recommendations; conditions of denial.

Sec. 7.

- (1) An applicant for a grant under this act shall provide the following information on the application:
 - (a) The location of the project in the unserved area described by either the specific street addresses to be served or a shapefile as that term is defined in 47 USC 641.
 - (b) The kind and amount of broadband infrastructure to be purchased for the project.
 - (c) Evidence regarding the unserved nature of the community in which the project is to be located.
 - (d) The number of households that will have access to broadband service as a result of the project, or whose internet access service will be upgraded to broadband service as a result of the project.
 - (e) The significant community institutions that will benefit from the proposed project.
 - (f) Evidence of community support for the project with a narrative on the impact that the investment will have on community and economic development efforts in the area.
 - (g) The total cost of the project and a detailed budget and schedule for the project.
 - (h) All sources of funding or in-kind contributions for the project in addition to any grant award.
 - (i) The internet service provider's experience and financial wherewithal.
- (2) The applicant's trade secrets, financial information, and proprietary information submitted under this act as part of an application are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
- (3) After scoring and considering all grant applications, the department shall make grant award recommendations. The department shall give priority in making grant award recommendations to applications that demonstrate 1 or more of the following:
 - (a) Collaboration to achieve community investment and economic development goals of an impacted area.
 - (b) The applicant has the managerial, financial, and technical ability to build, operate, and manage a broadband network.
 - (c) The likelihood that the unserved area will not be served without state grant funding.
 - (d) The project will serve a larger unserved area or a greater number of locations within an unserved area than other proposed applications.
 - (e) The ability of the applicant to commit to providing at least 50% of the cost to deploy the project set forth in the application.
- (4) Within 30 days after the award recommendations have been made, the department shall publish on its website the grant applications, redacted according to section 14 of the freedom of information act, 1976 PA 442, MCL 15.244, the proposed geographic broadband service area, and the proposed broadband service speeds for each application that receives an award recommendation.
- (5) Before granting an award to an applicant, the department shall establish a period of at least 60 days after the date the award recommendations are published on the department's website, during which time the department shall accept comments or objections concerning each application. The department shall consider all comments or objections received, and investigate them as needed, in deciding whether an applicant is eligible for a grant. If an objection submitted by a provider contains information that requires an investigation and the objection is found to be inaccurate, the provider shall reimburse the department for the cost of verifying the information.
- (6) The department shall not award a grant to an applicant if verifiable information is made available that shows any of the following:
 - (a) The proposed project includes an area where at least 1 provider has deployed broadband service.
 - (b) The department receives a sworn statement from an officer of an internet service provider that the proposed project includes an area where construction of a network to provide broadband service is underway, and the construction is scheduled to be completed within 1 year after the date of the application.
 - (c) The department receives a sworn statement from an officer of an internet service provider that the proposed project includes either of the following:
 - (i) A specific geographical area where an internet service provider has been selected to receive, provisionally or otherwise, funding by the Federal Communications Commission or the United States Department of Agriculture specifically for the expansion of broadband services. This subparagraph does not apply to an area once either of the following has occurred:
 - (A) The internet service provider does not complete the requirements for obtaining the funding described in this subparagraph.
 - (B) The time period for the internet service provider to meet its obligation described in this subparagraph has

expired and the area remains unserved.

(ii) An area where the construction of a network to provide broadband service is to be completed no later than 2 years after the date of an application.

History: 2020, Act 224, Imd. Eff. Oct. 16, 2020