

# D R A F T

## SUMMARY

Modifies definitions applicable for purposes of universal service surcharge. Subjects sale of retail commercial mobile radio services and retail interconnected voice over internet protocol services to universal service surcharge. Reduces rate cap to six percent of sale of services subject to surcharge.

Directs Public Utility Commission to transfer up to \$5 million per year of moneys deposited in universal service fund to Broadband Fund. Establishes Broadband Fund. Continuously appropriates moneys in Broadband Fund to Oregon Business Development Department to provide grants and loans through, and to administer, program related to broadband. Directs department to adopt program for providing grants and loans by rule. Directs department to report annually to interim committee of Legislative Assembly related to telecommunications on status of Broadband Fund.

Sunsetts Broadband Fund, transfer of moneys from universal service fund to Broadband Fund and grant program on January 2, 2030.

Becomes operative on January 1, 2021.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to the universal service fund; creating new provisions; amending  
3 ORS 285A.160, 759.400 and 759.425; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 759.400 is amended to read:

6 759.400. As used in ORS 759.400 to 759.455:

7 (1) "Basic telephone service" means local exchange telecommunications  
8 service defined as basic by rule of the Public Utility Commission.

9 (2) "**Commercial mobile radio service**" has the meaning given that  
10 **term in 47 C.F.R. 20.3.**

1       **(3) “Interconnected voice over internet protocol service” has the**  
2 **meaning given the term “interconnected VoIP service” in 47 C.F.R. 9.3.**

3       [(2)] **(4) “Retail telecommunications service” means a telecommunications**  
4 **service provided for a fee to customers. “Retail telecommunications**  
5 **service” does not include a service provided by one telecommunications car-**  
6 **rier to another telecommunications carrier, unless the carrier receiving the**  
7 **service is the end user of the service.**

8       [(3)] **(5) “Telecommunications carrier” means any provider of retail tele-**  
9 **communications services, except a call aggregator as defined in ORS 759.680.**

10       **SECTION 2. ORS 759.425 is amended to read:**

11       759.425. [(1) *For purposes of this section, “retail telecommunications*  
12 *service” does not include radio communications service, radio paging service,*  
13 *commercial mobile radio service, personal communications service or cellular*  
14 *communications service.*]

15       [(2)(a)] **(1)(a)** The Public Utility Commission shall establish and imple-  
16 **ment a competitively neutral and nondiscriminatory universal service fund.**  
17 [*Except as provided in paragraph (b) of this subsection,*] The [*Public Utility*]  
18 **commission shall:**

19       **(A)** Use the universal service fund to ensure basic telephone service is  
20 **available at a reasonable and affordable rate; and**

21       **(B) Transfer from the universal service fund to the Oregon Business**  
22 **Development Department for deposit in the Broadband Fund estab-**  
23 **lished under section 4 of this 2020 special session Act an amount per**  
24 **year that is equal to the lesser of:**

25       **(i) \$5 million; or**

26       **(ii) The remainder of moneys deposited in the universal service fund**  
27 **that are unobligated after making the designation required in para-**  
28 **graph (b) of this subsection.**

29       **(b) The commission shall designate the amount of moneys deposited**  
30 **annually in the universal service fund to be used to ensure basic tele-**  
31 **phone service. The amount designated under this paragraph may not**

1 **exceed \$28 million per year.**

2 (c) The [*Public Utility*] commission may:

3 (A) Adopt rules to conform the universal service fund to section 254 of  
4 the federal Telecommunications Act of 1996 [*Public Law 104-104*] (**P.L.**  
5 **104-104**), and to related regulations adopted by the Federal Communications  
6 Commission, to the extent that the Public Utility Commission determines  
7 conforming the rules is appropriate[.]; **and**

8 [(b)] (B) In addition to using the universal service fund to ensure basic  
9 telephone service, [*the Public Utility Commission may*] use the universal  
10 service fund to encourage broadband service availability and to provide  
11 support to telecommunications carriers that provide both basic telephone  
12 service and broadband service.

13 [(3)(a)] (2)(a) The [*Public Utility*] commission shall establish the price a  
14 telecommunications utility may charge its customers for basic telephone  
15 service. The commission shall periodically review and evaluate the status of  
16 telecommunications services in the state and designate the services included  
17 in basic telephone service. The commission shall periodically review and  
18 adjust as necessary the price a telecommunications utility may charge for  
19 basic telephone service.

20 (b) The provisions of this subsection do not apply to the basic telephone  
21 service provided by a telecommunications utility described in ORS 759.040.

22 [(4)(a)] (3)(a) The commission shall establish a benchmark for basic tele-  
23 phone service as necessary for the administration and distribution of the  
24 universal service fund. The universal service fund shall provide explicit  
25 support to an eligible telecommunications carrier that is equal to the dif-  
26 ference between the cost of providing basic telephone service and the  
27 benchmark, less any explicit compensation received by the telecommuni-  
28 cations carrier from federal sources specifically used to recover local loop  
29 costs and less any explicit support received by the telecommunications car-  
30 rier from a federal universal service program.

31 (b) The commission shall periodically review the benchmark established

1 under paragraph (a) of this subsection and adjust the benchmark as neces-  
2 sary to reflect:

- 3 (A) Changes in competition in the telecommunications industry;
- 4 (B) Changes in federal universal service support; and
- 5 (C) Other relevant factors as determined by the commission.

6 (c) Except for a telecommunications utility described in ORS 759.040, the  
7 commission shall seek to limit the difference between the price a telecom-  
8 munications utility may charge for basic telephone service and the  
9 benchmark.

10 *[(5) There is imposed on the sale of all retail telecommunications services*  
11 *sold in this state a universal service surcharge.]*

12 **(4)(a) There is imposed a universal service surcharge on the sale in**  
13 **this state of all:**

- 14 **(A) Retail telecommunications services;**
- 15 **(B) Retail commercial mobile radio services; and**
- 16 **(C) Retail interconnected voice over internet protocol services.**

17 **(b) A retail commercial mobile radio service provider shall identify**  
18 **the intrastate revenues subject to the universal service surcharge**  
19 **based on the inverse of the percentage of interstate revenues utilized**  
20 **for purposes of federal universal service contributions or based on any**  
21 **other method approved by the Public Utility Commission. A retail**  
22 **commercial mobile radio service provider may rely upon the sourcing**  
23 **rules set forth in the Mobile Telecommunications Sourcing Act (P.L.**  
24 **106-252) to identify revenues attributable to Oregon.**

25 **(c) A retail interconnected voice over internet protocol service**  
26 **provider may identify, in accordance with federal guidelines, the**  
27 **intrastate revenues subject to the universal service surcharge based**  
28 **on any one of the following:**

29 **(A) The inverse of the interstate safe harbor percentage established**  
30 **by the Federal Communications Commission for interconnected voice**  
31 **over internet protocol service for federal universal service contribu-**

1 **tion purposes, as the interstate safe harbor percentage may be revised**  
2 **from time to time;**

3 **(B) A traffic study specific to the interconnected voice over internet**  
4 **protocol service provider that allocates revenues between federal and**  
5 **state jurisdictions; or**

6 **(C) Another methodology for accurately apportioning intercon-**  
7 **ected voice over internet protocol service revenues between federal**  
8 **and state jurisdictions.**

9 **(d) For any service provider subject to the universal service sur-**  
10 **charge that provides, to multiple locations, shared simultaneous voice**  
11 **channel capacity configured to provide local dial in different states,**  
12 **the revenue subject to the surcharge shall be only the portion of the**  
13 **shared capacity in this state as identified:**

14 **(A) By information itemizing, on the billing statements provided to**  
15 **customers, the charges subject to the surcharge, as may be identified**  
16 **by individual end-user location, the total number of end users and the**  
17 **number of end users at each end-user location; or**

18 **(B) If information described in subparagraph (A) of this paragraph**  
19 **does not exist, by the service provider's billing system books and re-**  
20 **ords.**

21 **(e) Unless otherwise provided by the Public Utility Commission by rule,**  
22 **the universal service surcharge must be a uniform percentage of the sale of**  
23 **[retail telecommunications] services subject to the surcharge in an amount**  
24 **sufficient to support the purposes of the universal service fund established**  
25 **under subsection [(2)] (1) of this section, provided that the percentage does**  
26 **not exceed [8.5] six percent of the sale of [retail telecommunications] services**  
27 **subject to the surcharge.**

28 **(f) The universal service surcharge may be listed by a telecommuni-**  
29 **cations carrier as a separate line item in billing statements provided to**  
30 **customers [by all telecommunications carriers], as prescribed by the com-**  
31 **mission by rule or order. The commission may not prescribe whether,**

1 **or the manner by which, a commercial mobile radio services provider**  
2 **or an interconnected voice over internet protocol services provider**  
3 **may list the surcharge in billing statements provided to customers.**

4 (g) A [*telecommunications carrier*] **service provider required to collect**  
5 **the universal service surcharge** shall:

6 (A) Transmit amounts collected pursuant to this section to the commis-  
7 sion in accordance with a schedule adopted by the commission; **and**

8 (B) **Provide the commission with information requested by the**  
9 **commission as necessary for the commission to implement this**  
10 **section.**

11 (5) The commission shall deposit moneys transmitted to the commission  
12 pursuant to [*this subsection*] **subsection (4) of this section** in the universal  
13 service fund established under subsection [(2)] (1) of this section.

14 (6) The universal service fund established under subsection [(2)] (1) of this  
15 section is separate and distinct from the General Fund. The universal service  
16 fund shall consist of all universal service surcharge moneys collected by  
17 [*telecommunications carriers*] **service providers required to collect the**  
18 **surcharge** and transmitted to the commission for deposit in the universal  
19 service fund. The universal service fund may be used only for the purposes  
20 described in this section and for payment of expenses incurred by the com-  
21 mission or a third party appointed by the commission to administer this  
22 section. All moneys in the universal service fund are continuously appropri-  
23 ated to the commission to carry out the provisions of this section. Interest  
24 on moneys deposited in the universal service fund shall accrue to the uni-  
25 versal service fund.

26 [(7) *A person that primarily provides radio communications service, radio*  
27 *paging service, commercial mobile radio service, personal communications ser-*  
28 *vice or cellular communications service may request designation as an eligible*  
29 *telecommunications carrier by the commission for purposes of this section if the*  
30 *person imposes the universal service surcharge described in subsection (5) of*  
31 *this section and transmits the moneys collected to the commission for deposit*

1 *in the universal service fund established under subsection (2) of this section*  
2 *for at least one year immediately prior to requesting the designation.]*

3 [(8)] (7) A pay telephone provider may apply to the commission, on a form  
4 developed by the commission, for a refund of the universal service surcharge  
5 imposed on the pay telephone provider under subsection [(5)] (4) of this sec-  
6 tion for the provision of pay telephone service.

7 (8) **Nothing in this section is intended to grant the commission the**  
8 **authority to impose any requirement or condition, or to exercise any**  
9 **regulatory authority, with respect to commercial mobile radio services**  
10 **or interconnected voice over internet protocol services other than as**  
11 **expressly provided for in this section.**

12 **SECTION 3.** ORS 759.425, as amended by section 2 of this 2020 special  
13 session Act, is amended to read:

14 759.425. (1)(a) The Public Utility Commission shall establish and imple-  
15 ment a competitively neutral and nondiscriminatory universal service fund.  
16 The commission shall[:]

17 [(A)] use the universal service fund to ensure basic telephone service is  
18 available at a reasonable and affordable rate.[:; and]

19 [(B) *Transfer from the universal service fund to the Oregon Business De-*  
20 *velopment Department for deposit in the Broadband Fund established under*  
21 *section 4 of this 2020 special session Act an amount per year that is equal to*  
22 *the lesser of:*]

23 [(i) \$5 million; or]

24 [(ii) *The remainder of moneys deposited in the universal service fund that*  
25 *are unobligated after making the designation required in paragraph (b) of this*  
26 *subsection.*]

27 (b) The commission shall designate the amount of moneys deposited an-  
28 nually in the universal service fund to be used to ensure basic telephone  
29 service. The amount designated under this paragraph may not exceed \$28  
30 million per year.

31 (c) The commission may:

1 (A) Adopt rules to conform the universal service fund to section 254 of  
2 the federal Telecommunications Act of 1996 (P.L. 104-104), and to related  
3 regulations adopted by the Federal Communications Commission, to the ex-  
4 tent that the Public Utility Commission determines conforming the rules is  
5 appropriate; and

6 (B) In addition to using the universal service fund to ensure basic tele-  
7 phone service, use the universal service fund to encourage broadband service  
8 availability and to provide support to telecommunications carriers that pro-  
9 vide both basic telephone service and broadband service.

10 (2)(a) The commission shall establish the price a telecommunications  
11 utility may charge its customers for basic telephone service. The commission  
12 shall periodically review and evaluate the status of telecommunications ser-  
13 vices in the state and designate the services included in basic telephone  
14 service. The commission shall periodically review and adjust as necessary  
15 the price a telecommunications utility may charge for basic telephone ser-  
16 vice.

17 (b) The provisions of this subsection do not apply to the basic telephone  
18 service provided by a telecommunications utility described in ORS 759.040.

19 (3)(a) The commission shall establish a benchmark for basic telephone  
20 service as necessary for the administration and distribution of the universal  
21 service fund. The universal service fund shall provide explicit support to an  
22 eligible telecommunications carrier that is equal to the difference between  
23 the cost of providing basic telephone service and the benchmark, less any  
24 explicit compensation received by the telecommunications carrier from fed-  
25 eral sources specifically used to recover local loop costs and less any explicit  
26 support received by the telecommunications carrier from a federal universal  
27 service program.

28 (b) The commission shall periodically review the benchmark established  
29 under paragraph (a) of this subsection and adjust the benchmark as neces-  
30 sary to reflect:

31 (A) Changes in competition in the telecommunications industry;



1 (B) Changes in federal universal service support; and

2 (C) Other relevant factors as determined by the commission.

3 (c) Except for a telecommunications utility described in ORS 759.040, the  
4 commission shall seek to limit the difference between the price a telecom-  
5 munications utility may charge for basic telephone service and the  
6 benchmark.

7 (4)(a) There is imposed a universal service surcharge on the sale in this  
8 state of all:

9 (A) Retail telecommunications services;

10 (B) Retail commercial mobile radio services; and

11 (C) Retail interconnected voice over internet protocol services.

12 (b) A retail commercial mobile radio service provider shall identify the  
13 intrastate revenues subject to the universal service surcharge based on the  
14 inverse of the percentage of interstate revenues utilized for purposes of fed-  
15 eral universal service contributions or based on any other method approved  
16 by the Public Utility Commission. A retail commercial mobile radio service  
17 provider may rely upon the sourcing rules set forth in the Mobile Telecom-  
18 munications Sourcing Act (P.L. 106-252) to identify revenues attributable to  
19 Oregon.

20 (c) A retail interconnected voice over internet protocol service provider  
21 may identify, in accordance with federal guidelines, the intrastate revenues  
22 subject to the universal service surcharge based on any one of the following:

23 (A) The inverse of the interstate safe harbor percentage established by the  
24 Federal Communications Commission for interconnected voice over internet  
25 protocol service for federal universal service contribution purposes, as the  
26 interstate safe harbor percentage may be revised from time to time;

27 (B) A traffic study specific to the interconnected voice over internet pro-  
28 tocol service provider that allocates revenues between federal and state ju-  
29 risdictions; or

30 (C) Another methodology for accurately apportioning interconnected  
31 voice over internet protocol service revenues between federal and state ju-

1 risdictions.

2 (d) For any service provider subject to the universal service surcharge  
3 that provides, to multiple locations, shared simultaneous voice channel ca-  
4 pacity configured to provide local dial in different states, the revenue subject  
5 to the surcharge shall be only the portion of the shared capacity in this state  
6 as identified:

7 (A) By information itemizing, on the billing statements provided to cus-  
8 tomers, the charges subject to the surcharge, as may be identified by indi-  
9 vidual end-user location, the total number of end users and the number of  
10 end users at each end-user location; or

11 (B) If information described in subparagraph (A) of this paragraph does  
12 not exist, by the service provider's billing system books and records.

13 (e) Unless otherwise provided by the Public Utility Commission by rule,  
14 the universal service surcharge must be a uniform percentage of the sale of  
15 services subject to the surcharge in an amount sufficient to support the  
16 purposes of the universal service fund established under subsection (1) of this  
17 section, provided that the percentage does not exceed six percent of the sale  
18 of services subject to the surcharge.

19 (f) The universal service surcharge may be listed by a telecommunications  
20 carrier as a separate line item in billing statements provided to customers,  
21 as prescribed by the commission by rule or order. The commission may not  
22 prescribe whether, or the manner by which, a commercial mobile radio ser-  
23 vices provider or an interconnected voice over internet protocol services  
24 provider may list the surcharge in billing statements provided to customers.

25 (g) A service provider required to collect the universal service surcharge  
26 shall:

27 (A) Transmit amounts collected pursuant to this section to the commis-  
28 sion in accordance with a schedule adopted by the commission; and

29 (B) Provide the commission with information requested by the commission  
30 as necessary for the commission to implement this section.

31 (5) The commission shall deposit moneys transmitted to the commission

1 pursuant to subsection (4) of this section in the universal service fund es-  
2 tablished under subsection (1) of this section.

3 (6) The universal service fund established under subsection (1) of this  
4 section is separate and distinct from the General Fund. The universal service  
5 fund shall consist of all universal service surcharge moneys collected by  
6 service providers required to collect the surcharge and transmitted to the  
7 commission for deposit in the universal service fund. The universal service  
8 fund may be used only for the purposes described in this section and for  
9 payment of expenses incurred by the commission or a third party appointed  
10 by the commission to administer this section. All moneys in the universal  
11 service fund are continuously appropriated to the commission to carry out  
12 the provisions of this section. Interest on moneys deposited in the universal  
13 service fund shall accrue to the universal service fund.

14 (7) A pay telephone provider may apply to the commission, on a form de-  
15 veloped by the commission, for a refund of the universal service surcharge  
16 imposed on the pay telephone provider under subsection (4) of this section  
17 for the provision of pay telephone service.

18 (8) Nothing in this section is intended to grant the commission the au-  
19 thority to impose any requirement or condition, or to exercise any regulatory  
20 authority, with respect to commercial mobile radio services or intercon-  
21 nected voice over internet protocol services other than as expressly provided  
22 for in this section.

23 **SECTION 4. The Broadband Fund is established, separate and dis-**  
24 **tinct from the General Fund. Interest earned by the Broadband Fund**  
25 **shall be credited to the fund. Moneys in the Broadband Fund are**  
26 **continuously appropriated to the Oregon Business Development De-**  
27 **partment to be used only for providing grants or loans through, or for**  
28 **administering, the Oregon Broadband Office and the program estab-**  
29 **lished by rule under section 5 of this 2020 special session Act. The fund**  
30 **shall consist of moneys deposited in the fund pursuant to ORS 759.425.**

31 **SECTION 5. (1) As used in this section:**

1 (a) “Underserved area” means, based on the most recent broadband  
2 deployment data published by the Federal Communications Commis-  
3 sion, other federal agencies or the State of Oregon, a geographic area  
4 within one or more census blocks, within which there is no service  
5 provider offering residential wireline or wireless broadband service at  
6 a speed of at least 25 megabits per second for downloads and three  
7 megabits per second for uploads.

8 (b) “Unserved area” means, based on the most recent broadband  
9 deployment data published by the Federal Communications Commis-  
10 sion, other federal agencies or the State of Oregon, a geographic area  
11 within one or more census blocks, within which there is no service  
12 provider offering residential wireline or wireless broadband service at  
13 a speed of at least 10 megabits per second for downloads and one  
14 megabit per second for uploads.

15 (2)(a) The Oregon Business Development Department shall establish  
16 by rule a program for providing grants or loans to assist eligible ap-  
17 plicants with projects for:

18 (A) The planning and development of broadband service  
19 infrastructure;

20 (B) Digital literacy including cybersecurity;

21 (C) Digital inclusion; and

22 (D) Digital adoption.

23 (b) In establishing the program required by this section, the de-  
24 partment shall take into consideration all federal funding opportu-  
25 nities for the planning and development of broadband service  
26 infrastructure and shall endeavor to administer the program in a  
27 manner that serves to maximize the total available state and federal  
28 support for broadband development and related planning.

29 (3) Rules adopted under this section shall include but need not be  
30 limited to rules establishing:

31 (a) Criteria for applications and for establishing the eligibility of

1 applicants and proposed projects for a grant or loan under the pro-  
2 gram;

3 (b) A process for:

4 (A) Identifying broadband service providers that provide service  
5 within or near the geographic area that would be benefited by a project  
6 proposed by an eligible applicant; and

7 (B) Notifying the identified broadband service providers of the  
8 pending application;

9 (c) Standards for the department to evaluate applications from eli-  
10 gible applicants;

11 (d) Criteria and procedures for broadband service providers to en-  
12 gage in a competitive bidding process for contracts to complete  
13 projects pursuant to a grant or loan awarded under the program;

14 (e) Reporting requirements by grant or loan award recipients on the  
15 broadband service infrastructure developed or planned for using grant  
16 or loan moneys and the locations served or that will be served by the  
17 broadband service infrastructure;

18 (f) A public process for interested persons to submit comments on  
19 pending applications;

20 (g) A process for appealing grant or loan decisions by the depart-  
21 ment; and

22 (h) Procedures to ensure that any records or data submitted to the  
23 department pursuant to administration of the program that relate to  
24 broadband, voice connections or subscriptions and that are confiden-  
25 tial, privileged or otherwise protected from disclosure are not dis-  
26 closed, except as permitted by state and federal law.

27 (4) In making broadband service infrastructure grant or loan award  
28 decisions under the program, the department shall apply the following  
29 preferences:

30 (a) Regarding the geographic area that a proposed project will  
31 serve, the department shall:

1 (A) Give first preference to proposed projects that will serve un-  
2 served areas; and

3 (B) Give second preference to proposed projects that will serve  
4 underserved areas.

5 (b) Regarding the customers that a proposed project will serve, the  
6 department shall:

7 (A) Give first preference to proposed projects that are eligible to  
8 receive funds from the Connecting Oregon Schools Fund established  
9 under ORS 276A.424;

10 (B) Give second preference to proposed projects that will provide  
11 broadband service access to public libraries; and

12 (C) Give third preference to proposed projects that will provide  
13 broadband service access to residential customers.

14 (5) The department shall, as part of the program, establish proce-  
15 dures for distributing grant or loan funds awarded for the purpose of  
16 providing broadband access to schools. Procedures established under  
17 this subsection shall include procedures for transferring not more than  
18 20 percent of the moneys deposited in the Broadband Fund established  
19 under section 4 of this 2020 special session Act each biennium from the  
20 Broadband Fund to the Connecting Oregon Schools Fund established  
21 under ORS 276A.424.

22 (6) The department may not award a grant or loan under the pro-  
23 gram for a proposed project to:

24 (a) Develop broadband service infrastructure to serve residential  
25 locations that, at the time the application for the proposed project is  
26 received by the department, have access to terrestrial wireline or  
27 wireless broadband service at a speed of at least 25 megabits per sec-  
28 ond for downloads and three megabits per second for uploads; or

29 (b) Develop broadband service infrastructure that will serve two or  
30 fewer residential locations.

31 (7)(a) If the department awards a grant or loan for a proposed

1 project to develop broadband service infrastructure that will serve  
2 nonresidential locations that, at the time the application for the pro-  
3 posed project was received by the department, were served by terres-  
4 trial wireline or wireless broadband service at a speed of at least 25  
5 megabits per second for downloads and three megabits per second for  
6 uploads, the broadband service providers identified pursuant to rules  
7 adopted under subsection (3)(b) of this section shall be afforded a right  
8 of first refusal to contract for the development of broadband service  
9 infrastructure as part of the project. If a broadband service provider  
10 exercises the right of first refusal, the provider shall be awarded the  
11 contract to develop broadband service infrastructure as part of the  
12 project, subject to the requirement that the provider must offer access  
13 to the completed broadband service infrastructure:

14 (A) Beginning no later than one year after the date that the de-  
15 partment awards the grant or loan to develop the proposed project;

16 (B) At demonstrated download and upload speeds equal to or faster  
17 than the speeds indicated in the application for the proposed project;  
18 and

19 (C) At a cost that is equal to or less than the cost indicated in the  
20 application for the proposed project.

21 (b) This subsection does not apply to a grant or loan award for a  
22 proposed project described in subsection (4)(b) of this section.

23 **SECTION 6.** (1) Not later than September 15 of each year, the  
24 Oregon Business Development Department shall report, in the manner  
25 provided in ORS 192.245, to an interim committee of the Legislative  
26 Assembly related to telecommunications on the status of the  
27 Broadband Fund established under section 4 of this 2020 special session  
28 Act. The report required by this section shall include a description of:

29 (a) All loans and grants provided through the program adopted un-  
30 der section 5 of this 2020 special session Act; and

31 (b) The status of the projects funded by the loans and grants.

1       **(2) In addition to the information required in the report under**  
2 **subsection (1) of this section, the report submitted on or before Sep-**  
3 **tember 15, 2024, by the department pursuant to this section shall in-**  
4 **clude an evaluation of the continuing need for the Broadband Fund,**  
5 **including but not limited to recommendations regarding the repeal,**  
6 **by section 9 of this 2020 special session Act, of the Broadband Fund**  
7 **and the program adopted under section 5 of this 2020 special session**  
8 **Act.**

9       **SECTION 7. Notwithstanding the amount provided for in ORS**  
10 **759.425 (1)(b) and the percentage provided for in ORS 759.425 (4)(e),**  
11 **until December 31, 2021, the amount of moneys deposited annually in**  
12 **the universal service fund to be used to ensure basic telephone service**  
13 **shall be as provided for in Appendix A to Public Utility Commission**  
14 **Order No. 16-093, as corrected by Public Utility Commission Order No.**  
15 **16-102.**

16       **SECTION 8. ORS 285A.160 is amended to read:**

17       285A.160. The Oregon Broadband Advisory Council, **in consultation with**  
18 **the Oregon Broadband Office,** shall submit a report by November 1 of each  
19 even-numbered year to the Joint Legislative Committee on Information  
20 Management and Technology on the following subjects:

21       (1) The affordability and accessibility of broadband technology in all  
22 areas of this state;

23       (2) The extent of broadband technology use in this state in business,  
24 health care, energy management, education and government; and

25       (3) The role of broadband technology in local, state and regional econo-  
26 mies and economic development.

27       **SECTION 9. (1) Sections 4, 5 and 6 of this 2020 special session Act**  
28 **are repealed on January 2, 2030.**

29       **(2) Any moneys in the Broadband Fund established under section 4**  
30 **of this 2020 special session Act that are unexpended and unobligated**  
31 **on January 2, 2030, revert to the universal service fund established**



1 under ORS 759.425.

2 **SECTION 10.** The amendments to ORS 759.425 by section 3 of this  
3 2020 special session Act become operative on January 2, 2030.

4 **SECTION 11.** (1) Sections 4 to 7 of this 2020 special session Act and  
5 the amendments to ORS 285A.160, 759.400 and 759.425 by sections 1, 2  
6 and 8 of this 2020 special session Act become operative on January 1,  
7 2021.

8 (2) The Public Utility Commission and the Oregon Business Devel-  
9 opment Department may take any action before the operative date  
10 specified in subsection (1) of this section that is necessary to enable  
11 the commission and the department to exercise, on and after the op-  
12 erative date specified in subsection (1) of this section, all of the duties,  
13 functions and powers conferred on the commission and the department  
14 by sections 4 to 7 of this 2020 special session Act and the amendments  
15 to ORS 285A.160, 759.400 and 759.425 by sections 1, 2 and 8 of this 2020  
16 special session Act.

17 **SECTION 12.** This 2020 special session Act takes effect on the 91st  
18 day after the date on which the 2020 special session of the Eightieth  
19 Legislative Assembly adjourns sine die.

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