



Ohio Revised Code

Section 505.882 Broadband expansion challenge process.

Effective: April 6, 2023

Legislation: House Bill 501 - 134th General Assembly

(A) As used in this section:

(1) "Challenging provider" means either of the following:

(a) A broadband provider that provides tier two broadband service within or directly adjacent to an eligible project that is a broadband expansion project under division (B)(1) of this section;

(b) A municipal electric utility that provides tier two broadband service to an area within the eligible project that is a broadband expansion project described under division (B)(1) of this section and that is within the geographic area served by the municipal electric utility.

(2) "Eligible project," "tier one area," "tier two broadband service," "program grant," and "unserved area" have the same meanings as in section 122.40 of the Revised Code.

(B)(1) A board of township trustees may adopt a resolution to expend general funds to support broadband expansion projects within the unincorporated territory of the township pursuant to this section, if each project meets the definition of an eligible project and has not been awarded a program grant.

(2) If the board adopts a resolution under division (B)(1) of this section, the board shall also establish requirements and a process for awarding the funds to broadband expansion projects and administering the challenge process described in divisions (C) to (G) of this section.

(C)(1) A challenging provider may challenge, in writing, the expending of township general funds to support broadband expansion projects not later than thirty days after a resolution is passed to expend general funds for such purpose.

(2) The challenging provider shall provide, by certified mail, a written copy of the challenge to the



board of township trustees and to the broadband provider whose broadband expansion project is subject to the challenge. The copy provided to the board may include any information the challenging provider considers to be proprietary or a trade secret. Proprietary information or trade secrets may be redacted from the copy provided to the broadband provider whose broadband expansion project is subject to the challenge.

(D) To successfully challenge a broadband expansion project, a challenging provider shall provide sufficient evidence to the board of township trustees demonstrating that all or part of the project is ineligible. The challenge shall, at minimum, include the following information:

(1) Sufficient evidence disputing that the broadband expansion project contains unserved or tier one areas;

(2) Sufficient evidence attesting to the challenging provider's existing or planned offering of tier two broadband service to all or part of the broadband expansion project, which evidence shall include the following:

(a) With regard to existing tier two broadband service, a signed, notarized statement submitted by the challenging provider that sufficiently identifies the part of the broadband expansion project to which the challenging provider offers broadband service;

(b) With regard to the planned provision of tier two broadband service by a challenging provider, both of the following:

(i) A signed, notarized statement submitted by the challenging provider that sufficiently identifies the part of the broadband expansion project to which the challenging provider will offer broadband service;

(ii) A summary of the construction efforts that includes the dates when tier two broadband construction is expected to be completed and when tier two broadband service will first be offered to the part of the broadband expansion project being challenged.

(E) To demonstrate that all or part of a broadband expansion project is ineligible, a challenging



provider may present shapefile data, residential addresses, maps, or similar geographic details. Census block or census tract level data shall not be acceptable as evidence of ineligibility of all or part of a project.

(F) Not later than thirty days after receipt of a challenge, the board of township trustees may do any of the following:

(1) Suspend the use of general funds for broadband expansion projects subject to the challenge under this section;

(2) Reject the challenge, approve the use of funds, and proceed with the broadband expansion project by the broadband provider whose project was subject to the challenge;

(3) Accept in part and reject in part the challenge, and then approve the use of funds for a modified broadband expansion project that includes some but not all of the locations initially proposed for the broadband expansion project.

(G) The board of township trustees, by certified mail or electronic mail, shall provide a copy of its decision both to the challenging provider and to the broadband provider whose broadband expansion project was subject to the challenge. The decision shall be considered final, and further challenges are prohibited.