

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1075 Session of  
2021

---

INTRODUCED BY SNYDER, KINSEY, HANBIDGE, DAVIDSON, CARROLL, LEE,  
BERNSTINE, IRVIN, BOBACK, PASHINSKI, A. DAVIS, SANCHEZ,  
HOHENSTEIN, HILL-EVANS, NEILSON, WEBSTER, SCHLOSSBERG,  
STRUZZI, DELLOSO, KOSIEROWSKI, MATZIE, ZIMMERMAN, GLEIM,  
SCHLEGEL CULVER, SCHWEYER, O'MARA, RABB, DRISCOLL, DeLUCA,  
DEASY, KINKEAD, WARNER, DAVANZO, STAMBAUGH, PISCIOTTANO,  
CIRESI AND ROZZI, APRIL 1, 2021

---

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 1, 2021

---

AN ACT

1 Amending Title 64 (Public Authorities and Quasi-Public  
2 Corporations) of the Pennsylvania Consolidated Statutes,  
3 establishing the Pennsylvania Broadband Development Authority  
4 to provide broadband Internet access to unserved and  
5 underserved residents; and providing for powers and duties of  
6 the authority, for financial assistance and for grants.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Title 64 of the Pennsylvania Consolidated  
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 61

12 PENNSYLVANIA BROADBAND DEVELOPMENT AUTHORITY

13 SUBCHAPTER A

14 GENERAL PROVISIONS

15 Sec.

16 6101. Scope of chapter.

17 6102. Findings and declaration of policy.

1 6103. Definitions.

2 § 6101. Scope of chapter.

3 This chapter relates to the development and expansion of  
4 broadband services to unserved and underserved areas of this  
5 Commonwealth.

6 § 6102. Findings and declaration of policy.

7 The General Assembly finds and declares as follows:

8 (1) Access to high-speed broadband Internet services is  
9 rapidly becoming a necessity for most households and  
10 businesses in Pennsylvania.

11 (2) High-speed broadband has applications for education,  
12 health care, agriculture, economic and community development  
13 and tourism, especially in terms of telehealth, distance  
14 learning, precision agriculture and the economic value  
15 inherent in Internet connectivity as well as other endeavors.

16 (3) Based on the state of technology in the year 2021,  
17 mobile and fixed broadband services are not functional  
18 substitutes for all uses and customer groups. Mobile  
19 broadband service is an alternative, not a substitute, for  
20 fixed-wired service. Wireless mobile technology connects the  
21 user to a wireless facility that in turn routes the  
22 communications via coaxial or fiber cable lines to the  
23 Internet and thus is ultimately reliant on wired service as  
24 well.

25 (4) Areas exist within this Commonwealth that are  
26 unserved or underserved by wired, high-speed broadband  
27 service.

28 (5) The economic and business incentives to deploy wired  
29 high-speed broadband service infrastructure may be  
30 insufficient to ensure full access to high-speed broadband

1 services in low-density, rural locations and other locations  
2 within this Commonwealth where the unit costs of providing  
3 service may not provide an adequate return on investment for  
4 commercial companies.

5 (6) Multiple departments, agencies and entities are  
6 engaged in efforts to deploy, expand and support broadband  
7 services which can lead to uncoordinated and potentially  
8 duplicative actions. A single entity serving as point of  
9 contact for all broadband-related activities can help align  
10 and leverage otherwise isolated efforts.

11 (7) Support in the form of financial assistance and  
12 grants for the deployment and expansion of wired high-speed  
13 broadband service is in the policy interest of this  
14 Commonwealth.

15 § 6103. Definitions.

16 The following words and phrase as used in this chapter shall  
17 have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

19 "Authority." The Pennsylvania Broadband Development  
20 Authority established under section 6111(a) (relating to  
21 authority).

22 "Board." The board of directors of the Pennsylvania  
23 Broadband Development Authority established under section 6112  
24 (relating to board).

25 "Eligible cost." The cost of all labor, materials, machinery  
26 and equipment, land, property, rights and easements, plans and  
27 specifications, surveys or estimates of costs and revenues,  
28 prefeasibility studies, engineering and legal services and all  
29 other expenses necessary or incident to the acquisition,  
30 construction, improvement, expansion, extension, repair or

1 rehabilitation of all or part of a project.

2 "Financial assistance." Loans, grants, guarantees, sales,  
3 leases, investments, lines of credit, letters of credit and  
4 other financial arrangements which the authority may provide  
5 under this chapter.

6 "Underserved area." A project area, as determined by  
7 regulation of the authority, where service is limited by the  
8 number of providers offering service in the area or the  
9 percentage of the area that has coverage, but that has access to  
10 at least one wireline or fixed wireless broadband service  
11 provider offering the greater of:

12 (1) minimum speeds of at least 25 megabits per second  
13 downstream and three megabits per second upstream; or

14 (2) minimum speeds adopted by the Federal Communications  
15 Commission.

16 "Unserved area." A project area without access to wireline  
17 or fixed wireless broadband service at the greater of:

18 (1) minimum speeds of at least 25 megabits per second  
19 downstream and three megabits per second upstream; or

20 (2) minimum speeds adopted by the Federal Communications  
21 Commission.

22 SUBCHAPTER B

23 STRUCTURE AND GOVERNANCE

24 Sec.

25 6111. Authority.

26 6112. Board.

27 6113. Audits.

28 6114. Annual report.

29 6115. Sources of revenue.

30 § 6111. Authority.

1 (a) Establishment.--The Pennsylvania Broadband Development  
2 Authority is established as an independent authority. The  
3 authority shall be an instrumentality of the Commonwealth and a  
4 body corporate and politic, with corporate succession. The  
5 exercise by the authority of the powers conferred on the  
6 authority by this chapter shall be deemed and held to be a  
7 public and essential government function.

8 (b) Governance.--The authority shall be governed by a board  
9 of directors as provided in section 6112 (relating to board).  
10 The powers of the authority shall be exercised by the board.

11 (c) Expenses.--Expenses of the authority shall be paid from  
12 assets or income of the authority. Except as provided in this  
13 chapter or by other law, the Commonwealth shall not be  
14 responsible for funding the expenses of the authority.

15 (d) Fiscal year.--The fiscal year of the authority shall be  
16 the same as the fiscal year of the Commonwealth.

17 (e) Existence and dissolution.--

18 (1) The authority shall terminate 20 years after the  
19 effective date of this section, unless re-enacted and re-  
20 established by law.

21 (2) The authority may be dissolved by law, provided that  
22 the authority has no debts or obligations outstanding or that  
23 provision has been made for the payment or retirement of all  
24 of its debts and obligations. Upon any dissolution of the  
25 authority, all property, funds and assets of the authority  
26 shall be vested in the Commonwealth.

27 (f) Procurement.--The authority shall be considered an  
28 independent agency for purposes of 62 Pa.C.S. Pt. I (relating to  
29 Commonwealth procurement code).

30 (g) Applicability.--The following acts shall apply to the

1 authority and the board:

2 (1) The act of February 14, 2008 (P.L.6, No.3), known as  
3 the Right-to-Know Law.

4 (2) The act of July 19, 1957 (P.L.1017, No.451), known  
5 as the State Adverse Interest Act.

6 (3) The provisions of 65 Pa.C.S. Chs. 7 (relating to  
7 open meetings) and 11 (relating to ethics standards and  
8 financial disclosure).

9 § 6112. Board.

10 (a) Composition.--The board of directors of the authority  
11 shall consist of members selected as follows:

12 (1) The Secretary of Agriculture or a designee.

13 (2) The Secretary of Community and Economic Development  
14 or a designee.

15 (3) The Deputy Secretary for Technology and Innovation  
16 in the Department of Community and Economic Development or a  
17 designee.

18 (4) The Secretary of Education or a designee.

19 (5) The Secretary of Health or a designee.

20 (6) The Secretary of Labor and Industry or a designee.

21 (7) The Secretary of Policy and Planning or a designee.

22 (8) The executive director of the Pennsylvania Office of  
23 Broadband Initiatives or a designee.

24 (9) A member of the Senate appointed by the President  
25 pro tempore and a member of the Senate appointed by the  
26 Minority Leader, or their designees.

27 (10) A member of the House of Representatives appointed  
28 by the Speaker and one member of the House appointed by the  
29 Minority Leader, or their designees.

30 (11) The executive director of the Governor's Center for

1 Local Government Services of the Pennsylvania Municipal  
2 League or a designee.

3 (12) The chairperson of the Pennsylvania Public Utility  
4 Commission or a designee.

5 (13) The vice chairperson of the Pennsylvania Public  
6 Utility Commission or a designee.

7 (14) The Small Business Advocate or a designee.

8 (15) The Consumer Advocate or a designee.

9 (16) The director of the Center for Rural Pennsylvania  
10 or a designee.

11 (17) Persons appointed by the Governor, as follows:

12 (i) Two representative of broadband service  
13 providers.

14 (ii) Two representatives of counties, boroughs,  
15 towns or townships that are located in unserved areas.

16 (iii) A representative of a city that is, in whole  
17 or in part, located in an unserved area.

18 (b) Organization.--The Governor shall select a member of the  
19 board to serve as chairperson. The members shall select from  
20 among themselves such officers as they shall determine to be  
21 necessary.

22 (c) Quorum.--A quorum shall consist of 12 members of the  
23 board at a meeting. Action may be taken and motions and  
24 resolutions adopted by the authority by the affirmative vote of  
25 at least 12 members of the board. No vacancy on the board shall  
26 impair the right of a quorum of members or the board to exercise  
27 the powers and perform the duties of the authority.

28 (d) Designees.--A public officer member of the board may  
29 designate an officer or employee of the Commonwealth to  
30 represent the public officer member at meetings of the board.

1 Each designee may lawfully vote and otherwise act on behalf of  
2 the public officer member. The designation shall be in writing  
3 delivered to the authority and shall continue in effect until  
4 revoked or amended in writing delivered to the authority.

5 (e) Services.--Research, investigation and other services  
6 necessary for the operation of the board shall be carried out  
7 from resources and by employees from the various executive  
8 departments represented on the board. All applicable  
9 Commonwealth departments and agencies shall cooperate with, and  
10 provide assistance to, the board, which may, at its discretion,  
11 provide financial reimbursement.

12 (f) Compensation.--The members of the board shall not be  
13 entitled to compensation for service. The members of the board  
14 shall be entitled to reimbursement for all necessary and  
15 reasonable expenses incurred in connection with the performance  
16 of their duties.

17 (g) Fiduciary relationship.--The members of the board and  
18 the professional personnel of the board shall stand in a  
19 fiduciary relationship with the Commonwealth and the authority  
20 as to the money and investments of the authority.

21 § 6113. Audits.

22 The accounts and books of the authority, including its  
23 receipts, disbursements, contracts, mortgages, investments and  
24 other matters relating to its finances, operations and affairs,  
25 shall be examined and audited by the Auditor General.

26 § 6114. Annual report.

27 The board shall provide the Governor and the General Assembly  
28 with an annual report by December 31 of each year detailing all  
29 projects funded under section 6131 (relating to financial  
30 assistance). The annual report shall be published and maintained



1 on the authority's publicly accessible Internet website and may  
2 be submitted to the Governor and the General Assembly by  
3 electronic mail.

4 § 6115. Revenues of the authority.

5 (a) Sources of revenues.--The authority may receive money  
6 from any source of revenue, including, but not limited to, the  
7 following:

8 (1) Federal funds appropriated to or granted to the  
9 authority.

10 (2) State funds appropriated to the authority.

11 (3) Proceeds from the sale of authority assets.

12 (4) Repayment of loan principal.

13 (5) Payment of interest on loans made by the authority.

14 (6) Interest earned on the investments of authority  
15 moneys.

16 (b) Control of revenues and investment of funds.--The board  
17 shall have exclusive control and management of all money of the  
18 authority and full power to invest money not required for  
19 immediate use in securities or other investments in which funds  
20 of the Commonwealth are authorized to be invested and in any  
21 other type of security or investment if, prior to the  
22 acquisition of the security or investment, the board determines  
23 by resolution that the type of security or investment is in the  
24 best interests of the authority and the State Treasurer approves  
25 of the type of security or investment.

26 (c) Funds or accounts.--The board shall establish and  
27 maintain the following funds or accounts:

28 (1) A general fund from which the board may authorize  
29 expenditures for any purpose authorized under this chapter.

30 (2) A nonrevolving fund or account as the board deems

1 necessary or convenient.

2 (3) A separate fund and account as may be necessary for  
3 the deposit of payments made under authority or requirement  
4 of Federal or State law.

5 (d) Loan repayment.--Repayments of loan principal, together  
6 with any interest, shall be deposited with the authority.

7 SUBCHAPTER C

8 POWERS AND DUTIES

9 Sec.

10 6121. Corporate powers and duties in general.

11 6122. Specific powers and duties.

12 6123. Financial powers and duties.

13 6124. Pledges.

14 § 6121. Corporate powers and duties in general.

15 The authority shall have and may exercise all powers  
16 necessary or appropriate to carry out and effectuate the  
17 purposes of this chapter, including the following:

18 (1) Conduct examinations and investigations and take  
19 testimony, under oath or affirmation, on any matter necessary  
20 to the determination and approval of project applications.

21 (2) Sue and be sued, implead and be impleaded, complain  
22 and defend in all courts.

23 (3) Adopt, use and alter at will a corporate seal.

24 (4) Make bylaws for the management and regulation of the  
25 authority's affairs, and make, adopt, amend and repeal rules  
26 and regulations governing the administrative procedures and  
27 business of the authority.

28 (5) Notwithstanding paragraph (3), and in order to  
29 facilitate the speedy implementation of programs under this  
30 chapter, the board shall have the power and authority to

1 promulgate, adopt and use guidelines which shall be published  
2 in the Pennsylvania Bulletin. The guidelines shall be subject  
3 to review according to section 204(b) of the act of October  
4 15, 1980 (P.L.950, No.164), known as the Commonwealth  
5 Attorneys Act, and shall not be subject to review under the  
6 act of June 25, 1982 (P.L.633, No.181), known as the  
7 Regulatory Review Act, and shall be effective for a period  
8 not to exceed one year from the effective date of this  
9 section. After the expiration of the one-year period, all  
10 guidelines shall expire and shall be replaced by regulations  
11 which shall have been promulgated, adopted and published as  
12 provided by law.

13 (6) Make contracts of every name and nature and execute  
14 all instruments necessary or convenient for the carrying on  
15 of authority business.

16 (7) Procure insurance against any loss in connection  
17 with authority property and other assets and operations in  
18 any amount and from any insurer as the authority deems  
19 desirable.

20 (8) Contract for the services of attorneys, accountants  
21 and financial experts and any other advisor, consultant and  
22 agent as may be necessary in the authority's judgment,  
23 subject to the requirement that the chairperson shall ensure  
24 that diverse and disadvantaged businesses as defined in 62  
25 Pa.C.S. Ch. 22 (relating to diverse and disadvantaged  
26 businesses) shall have an opportunity to participate to a  
27 significant degree in the provision of any contractual  
28 service purchased by the authority.

29 (9) Perform any act necessary or convenient to the  
30 exercise of the powers enumerated in this section or

1 reasonably implied from those powers.

2 (10) Prepare plans and reports and provide for public  
3 participation as deemed appropriate.

4 § 6122. Specific powers and duties.

5 (a) Single point of contact.--The authority shall serve as a  
6 single point of contact for entities wishing to engage in  
7 broadband development and deployment in this Commonwealth,  
8 including coordination of public and private efforts to avoid  
9 overbuilding of capacity in any given geographic area and to  
10 efficiently utilize existing infrastructure.

11 (b) Funding resource base.--In addition to providing the  
12 financial assistance authorized by this chapter to support  
13 broadband deployment, the authority shall identify and  
14 coordinate opportunities to access Federal funding,  
15 nongovernmental organization funding and other funding  
16 opportunities to eliminate duplicative funding requests and  
17 synthesize multiple-provider joint efforts in any given  
18 geographic area.

19 (c) Cooperation of other Commonwealth entities.--All  
20 Commonwealth agencies and departments charged with specific  
21 aspects of broadband development and deployment shall  
22 communicate and cooperate with the authority so that it can  
23 maintain a centralized database of all broadband deployment  
24 activities occurring within this Commonwealth to avoid  
25 duplication of efforts, as well as provide consultation on their  
26 respective areas of expertise.

27 (d) Educational materials.--The authority may develop  
28 educational materials and engage in public information campaigns  
29 to encourage adoption of broadband where currently available and  
30 increase consumer understanding of the need for broadband access

1 for all Commonwealth residents.

2 (e) Municipal guidance.--The authority may develop  
3 guidelines for municipalities to assist in streamlining zoning  
4 processes in order to help expedite broadband deployment.

5 § 6123. Financial powers and duties.

6 The authority shall have and may exercise all powers  
7 necessary or appropriate to effectuate the programs established  
8 under this chapter, including the following:

9 (1) Accept grants from and enter into contracts or other  
10 transactions with Federal, State or local agencies.

11 (2) Take title by foreclosure or otherwise to any  
12 project or other property pledged, mortgaged, encumbered or  
13 otherwise available as security for a project financed in  
14 whole or in part by the board, whether by loan, loan  
15 guarantee or otherwise, where the acquisition is necessary to  
16 protect the interests of the board with respect to a project  
17 and pay all costs arising out of the acquisition from money  
18 held by the authority and sell, transfer and convey all or  
19 any portion of the project to any responsible buyer. The  
20 board may require a dedicated source of revenue to be  
21 available for repayment of any loan.

22 (3) Provide financial assistance, including, but not  
23 limited to, loans, loan guarantees, grants for eligible costs  
24 of projects fulfilling the purposes of this chapter.

25 (4) Collect fees and charges relating to projects funded  
26 under this chapter, as the board determines to be reasonable,  
27 relating to activities undertaken in furtherance of the  
28 purposes of this chapter.

29 (5) Borrow money for the purposes of this chapter.

30 (6) Receive appropriations and apply for and accept

1 grants, gifts, donations, bequests and settlements from any  
2 public or private source.

3 (7) Acquire, own, hold, construct, improve,  
4 rehabilitate, renovate, operate, maintain, sell, assign,  
5 exchange, lease, mortgage or otherwise dispose of real and  
6 personal property or any interest therein in the exercise of  
7 the authority's powers and performance of the authority's  
8 duties under this chapter.

9 (8) Fund prefeasibility studies from any authority  
10 source of revenue.

11 § 6124. Pledges.

12 A pledge of revenues, receipts, money, funds or other  
13 property or instruments made by the authority shall be valid and  
14 binding from the time when the pledge is made. The revenues,  
15 receipts, money, funds or other property pledged and received by  
16 the authority shall be immediately subject to the lien of the  
17 pledge without its physical delivery or further act, and the  
18 lien of a pledge shall be valid and binding against all parties  
19 having claims of any kind in tort, contract or otherwise against  
20 the authority irrespective of whether the parties have notice of  
21 the lien. Neither the resolution nor any other instrument by  
22 which a pledge under this section is created or evidenced need  
23 be filed or recorded except in the records of the authority.

24 SUBCHAPTER D

25 FINANCIAL ASSISTANCE AND GRANTS

26 Sec.

27 6131. Financial assistance.

28 6132. Grants.

29 6133. Loans.

30 § 6131. Financial assistance.

1 (a) Criteria for obtaining assistance.--In reviewing  
2 applications for financial assistance, the authority shall  
3 consider:

4 (1) Whether the project will improve the health, safety,  
5 welfare or economic well-being of the people of this  
6 Commonwealth.

7 (2) Whether the proposed project will lead to an  
8 effective or complete solution to the lack of wired high-  
9 speed broadband service in an unserved area.

10 (3) The cost-effectiveness of the proposed project in  
11 comparison with other alternatives, including other  
12 institutional, financial and physical alternatives.

13 (4) The consistency of the proposed project with other  
14 broadband deployment projects in the area.

15 (5) Whether the applicant has demonstrated an ability to  
16 operate and maintain the project in a proper manner.

17 (6) The experience of the applicant in providing high-  
18 speed broadband services.

19 (7) The financial condition of the applicant.

20 (8) The availability of other sources of funds at  
21 reasonable rates to finance all or a portion of the project  
22 and the need for authority assistance to finance the project  
23 or to attract the other sources of funding.

24 (b) Potential applicants.--

25 (1) An applicant may be a commercial entity, a  
26 community-based network, a municipality, a rural electric  
27 cooperative or other group of investors or entity.

28 (2) If an applicant, public or private, proposes a  
29 broadband development project but has no prior experience in  
30 developing or operating high-speed broadband service, a bond

1 shall be provided in an amount determined by the board  
2 necessary to protect the authority's investment in the  
3 project, whether as a grant or loan.

4 (c) Financing priorities.--In addition to any requirement of  
5 Federal law imposed on the use of Federal funds, the board shall  
6 determine priorities based on factors which include, but are not  
7 limited to:

8 (1) The project's ability to deploy high-speed broadband  
9 service in an area that is unserved.

10 (2) Improvement in the availability, adequacy or  
11 efficiency of wired high-speed broadband service in an  
12 underserved area, without creating duplicative services.

13 (3) The contribution to and impact of the project on  
14 economic development as well as social and environmental  
15 values.

16 (4) Benefits to public safety or welfare.

17 (5) Improvement in the ability of an applicant to come  
18 into compliance with Federal and State statutes, regulations  
19 and standards.

20 (6) The cost-effectiveness of the project.

21 (d) Decision of board.--

22 (1) Establishment of priority for financial assistance  
23 under subsection (b) shall not be deemed to be a final action  
24 under 2 Pa.C.S. (relating to administrative law and  
25 procedure), nor shall it confer a right or duty upon the  
26 board or any other person.

27 (2) A decision as to an applicant's eligibility under  
28 subsection (a) may be appealed pursuant to 2 Pa.C.S., but the  
29 priority assigned the project may not be raised in that  
30 appeal.



1 § 6132. Grants.

2 The board may issue grants if the board, in its sole  
3 discretion, determines that the financial condition of the  
4 recipient is such that repayment of a loan is unlikely and that  
5 the recipient will not be able to proceed with the project  
6 without a grant. If the board determines that a grant is  
7 necessary from the authority, the board shall attempt to mix the  
8 grant funds with loan funds if financially possible.

9 § 6133. Loans.

10 (a) General terms.--The board shall set terms applicable to  
11 loans in any manner it deems appropriate, subject to the  
12 provisions of this subsection. The board may consider such  
13 factors as it deems relevant, including current market interest  
14 rates, the financial and economic distress of the area which the  
15 project serves and the necessity to maintain the authority funds  
16 in a financially sound manner. Loans may be made based on the  
17 ability to repay the loan from future revenue to be derived from  
18 the project, by a mortgage or other property lien or on any  
19 other fiscal matters which the authority deems appropriate.

20 (b) Deferral of principal.--The board may defer principal on  
21 loans for up to five years. In the event of a default on the  
22 repayment of a loan, the board may apply to the court of common  
23 pleas of the county where the project is located for the  
24 appointment of a receiver to assume operation and supervision of  
25 the facility under the supervision of the court.

26 (c) Interest rate.--The minimum rate of interest to be paid  
27 on any loan made under this chapter shall be 1%. The maximum  
28 rate of interest shall not exceed the following:

29 (1) For a project in a county where the unemployment  
30 rate exceeds the Statewide unemployment rate by at least 40%,

1 1% for the first five years and 25% of the bond issue rate  
2 for the remainder of the loan.

3 (2) For a project in a county where the unemployment  
4 rate exceeds the Statewide unemployment rate, but exceeds it  
5 by less than 40%, 30% of the bond issue rate for the first  
6 five years and 60% of the bond issue rate for the remainder  
7 of the loan.

8 (3) For a project in a county not described in paragraph  
9 (1) or (2), 60% of the bond issue rate for the first five  
10 years and 75% of the bond issue rate for the remainder of the  
11 loan.

12 (4) For a project located within a city, township or  
13 borough where the unemployment rates exist which would  
14 qualify the project for lower interest rates than if the  
15 relevant county unemployment rate were used, the unemployment  
16 rate of the city, township or borough may be used in  
17 determining the interest rate on the loan.

18 (d) Limitation on annual assistance.--The amount of  
19 assistance approved by the board under section 6132 (relating to  
20 grants) shall not in any fiscal year exceed the amount of  
21 interest earnings, State appropriations and any money received  
22 specifically for grants which are deposited by the authority.

23 (e) Inspection of project and records.--

24 (1) The applicant shall allow the authority and its  
25 successors, agents and representatives the right, at all  
26 reasonable times during construction and after completion of  
27 the project, to enter upon and inspect the project and to  
28 examine and make copies of the applicant's books, records,  
29 accounting data and other documents pertaining to the project  
30 and the financial condition of the applicant.

1       (2) The applicant may be required by the board or its  
2 agent to prepare independent audits of the applicant's  
3 financial documents and financial condition and submit a  
4 certified copy of the audits to the board.

5       (f) Financial analysis.--The financial analysis used by the  
6 board to determine the need of all applicants for financial  
7 assistance shall include, but not be limited to, the following:

8           (1) Fair and reasonable costs of wired high-speed  
9 broadband service in comparable areas.

10          (2) The incomes of affected subscribers and their  
11 ability to pay increased charges necessary to complete the  
12 proposed projects.

13          (3) Other sources of financing available to individuals  
14 or entities seeking assistance under this chapter.

15          (4) A determination that financial assistance provided  
16 under this chapter will not be used to supplant financial  
17 resources already available to the applicant.

18       (g) Steel procurement.--An application must contain a  
19 certification that the applicant shall comply, in every contract  
20 for the acquisition, repair, construction, reconstruction,  
21 rehabilitation, extension, expansion, improvement, alteration or  
22 maintenance of a water supply or sewage treatment system, with  
23 the provisions of the act of March 3, 1978 (P.L.6, No.3), known  
24 as the Steel Products Procurement Act.

25       (h) Definition.--As used in subsection (c), the term  
26 "unemployment rate of the county" shall mean the average  
27 unemployment rate for the county in the most recent calendar  
28 year for which data has been finalized. For a project that  
29 serves multiple counties, the highest unemployment rate from  
30 among the counties involved shall be used. The unemployment data

1 utilized shall be data reported by the Department of Labor and  
2 Industry.

3 Section 2. This act shall take effect in 60 days.