

Broadband Forward! Community Model Ordinance



Public Service Commission of Wisconsin
4822 Madison Yards Way
North Tower – 6th Floor
Madison, WI 53705-9100

BROADBAND FORWARD! COMMUNITY MODEL ORDINANCE

Introduction

Broadband access is increasingly important to our economy, education and daily life. The state as a whole—citizens, governments, providers, schools and businesses—have an interest in expanding broadband access and usage in underserved areas of the state. The Public Service Commission of Wisconsin (Commission) has been authorized to certify communities as being “broadband ready” by issuing a Broadband Forward! Certification that signals a local unit of government has taken steps to reduce obstacles to broadband infrastructure investment.

Under Wis. Stat. § 196.504(4) a city, village town or county may apply to the Commission for certification as a Broadband Forward! Community. The Commission has prepared this Broadband Forward! Community Model Ordinance and application form to facilitate certification and statewide consistency. If a political subdivision adopts this model ordinance, or enacts its own ordinance and submits a certification that its ordinance meets the statutory criteria in Wis. Stat. § 196.504(5), it is eligible for Broadband Forward! Certification.

Enacting the Broadband Forward! Community Model Ordinance and obtaining Broadband Forward! Certification ensures the local unit of government has streamlined its administrative procedures by appointing a single point of contact for all matters relating to a broadband network project, adhering to a timely approval process, charging only reasonable fees for reviewing applications and issuing permits, imposing only reasonable conditions on a permit and not discriminating between telecommunications service providers.

The Commission also encourages communities seeking Broadband Forward! Certification to apply for Broadband Expansion Grants that are awarded annually. Further information about the Broadband Expansion Grant Program, including application materials, is available at: <https://psc.wi.gov/Pages/Programs/BroadbandGrants.aspx>.

For further information about the application process for Broadband Forward! Certification or for any questions about the Broadband Forward! Community Model Ordinance, please contact Jaron McCallum at Jaron.McCallum@wisconsin.gov or (608) 267-2160.

BROADBAND FORWARD! COMMUNITY ORDINANCE

ORDINANCE NO. []

An ordinance to create Chapter []; relating to approval of broadband network projects.

The [political subdivision] does enact as follows:

1 Chapter 1. Broadband Network Project Applications

2 SECTION 1. GENERAL PROVISIONS.

3 **1.1 Purpose and policy.** The purpose of this chapter is to encourage the development of
4 broadband access in the [political subdivision] by reducing administrative obstacles to broadband
5 service providers and coordinating the review of applications to ensure such applications are
6 timely processed. This chapter shall at all times be construed consistent with the aforestated
7 purpose.

8 **1.2 Definitions.** In this chapter:

9 (1) “Applicant” means a person applying for a permit for a broadband network project.

10 (2) “Broadband network project” means the construction or deployment of wireline or
11 wireless communications facilities to provide broadband communications services in the
12 [political subdivision].

13 (3) “Permit” means any local permit, license, certificate, approval, registration, or similar
14 form of approval required by policy, administrative rule, regulation, ordinance, or resolution with
15 respect to a broadband network project.

16 (4) “Written” or “in writing” means information that is inscribed on a tangible medium or
17 that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

18 **1.3 Point of contact.** The [political subdivision] shall appoint a single point of contact for all
19 matters related to a broadband network project. The [political subdivision] shall provide on its

1 public website the contact information, including the e-mail address, for the point of contact
2 authorized to receive a broadband network project application.

3 **SECTION 2. ELECTRONIC SUBMISSION OF APPLICATIONS.** An applicant may sign and file all
4 forms, applications and documentation related to a broadband network project electronically.

5 **SECTION 3. REVIEW OF APPLICATIONS.** Notwithstanding any other provision in the [political
6 subdivision's] ordinances, resolutions, regulations, policies or practices to the contrary, the
7 following process shall apply exclusively upon receiving a broadband network project
8 application:

9 **3.1 Completeness review.** Upon receiving a broadband network project application the
10 [political subdivision] shall:

11 (1) Determine whether an application is complete and notify the applicant of the
12 determination by the [political subdivision] in writing within 10 calendar days of receiving an
13 application. If the [political subdivision] does not notify the applicant in writing of its
14 completeness determination within 10 calendar days of receiving the application, the application
15 shall be considered complete.

16 (2) If the [political subdivision] determines that an application is not complete, the
17 written notification to the applicant shall specify in detail the required information that is not
18 complete. The applicant may resubmit an application as often as necessary until the application
19 is complete.

20 **3.2 Approval or denial of complete applications.**

21 (1) Within 60 calendar days of receiving an application that is complete, or considered
22 complete under sub. (1), the [political subdivision] shall approve or deny the application and
23 provide the applicant written notification of the approval or denial. If the [political subdivision]

1 does not notify the applicant of its approval or denial within 60 calendar days of receiving a
2 complete application, the application shall be considered approved and any required permit shall
3 be considered issued.

4 (2) If the [political subdivision] denies an application, the written notification of the
5 denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

6 **SECTION 4. FEES.** Any fee imposed by the [political subdivision] to review an application, issue
7 a permit, or perform any other activity related to a broadband network project shall be
8 reasonable. An application fee that exceeds \$100 is unreasonable.

9 **SECTION 5. INITIAL APPLICABILITY.** The treatment of this ordinance first applies to applications
10 received by the [political subdivision] on or after the effective date of this ordinance.

11 **SECTION 6. EFFECTIVE DATE.** This ordinance takes effect on the day after publication.