

**Comparison of 2SSB 5383 and ESHB 1336  
Broadband Legislation 2021**

	<b>2SSB 5383 (Wellman) Passed Senate: 02/26/21, 43-3</b>	<b>ESHB 1336 (Hansen) Passed House: 02/23/21, 60-37</b>
<b>Title</b>	Authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions.	Creating and expanding unrestricted authority for public entities to provide telecommunications services to end users.
<b>Definitions</b>	"Open access network" means a network that ensures service providers may use network services and facilities at rates, terms, and conditions that are not preferential between providers, and employs accountable interconnection arrangements available publicly	"Retail telecommunications services" means the sale, lease, license, or indivisible right of use of telecommunications services or telecommunications facilities directly to end users
<b>Public utility districts (PUDs)</b>	Authorizes PUDs to provide retail telecom services to end users in an unserved area if notified by the Statewide Broadband Office (SBO) that an existing service provider has not objected to the project; must operate an open access network  Objection process: (1) PUD notify SBO of project, (2) existing service providers have 30 days to submit objection letters and broadband service plan, (3) parties may enter into mediation if there is an objection; (4) if an objecting provider fails to fulfill its commitment, it cannot object to projects for the next 18 months	Authorizes PUDs to operate any telecom facilities: <ul style="list-style-type: none"> <li>• for the provision of either retail or wholesale, or both, telecom services and facilities within the district; or</li> <li>• for the provision of either retail or wholesale, or both, telecom services or facilities outside of the district by contract with another PUD, any political subdivision of the state authorized to provide retail telecom services in the state, or with any federally recognized tribe located in the state of Washington</li> </ul>
<b>Port districts (Ports)</b>	Same as PUD retail authority	Authorizes ports to provide wholesale and retail telecom services within or outside the district's limits
<b>Other public entities</b>	N/A	Towns, second-class cities, and counties may operate telecom services or facilities to provide its inhabitants with such services and have full authority to regulate the use, distribution, and price of the services
<b>PUD and port reporting</b>	N/A	Encourages PUDs and ports to report to its governing body certain criteria such as an assessment of the current availability of broadband infrastructure and its adequacy, and evidence relating to unserved or underserved nature of the community which will be served; "unserved" means a census block in which no provider has the capacity to deliver internet access service at speeds of a minimum of 25 Mbps and 3 Mbps
<b>Other</b>	<ul style="list-style-type: none"> <li>• Exempts current Kitsap PUD authority</li> <li>• SBO must report on retail authority</li> </ul>	Repeals current Kitsap PUD authority and PUD limited retail authority