

Broadband Forward! Community Model Ordinance



Public Service Commission of Wisconsin
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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. 2023-07-02

An ordinance to create of approval of broadband network projects.

The Town of Rutland does enact as follows:

Chapter 1. Broadband Network Project Applications

SECTION 1. GENERAL PROVISIONS.

1.1 Purpose and policy. The purpose of this chapter is to encourage the development of broadband access in the Town of Rutland by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with the aforesated purpose.

1.2 Definitions. In this chapter:

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

(2) “Broadband network project” means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in the Town of Rutland.

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

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

1.3 Point of contact. The Town of Rutland shall appoint a single point of contact for all matters related to a broadband network project. The Town of Rutland shall provide on its

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

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

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

3.1 Completeness review. Upon receiving a broadband network project application the Town of Rutland shall:

(1) Determine whether an application is complete and notify the applicant of the determination by the Town of Rutland in writing within 10 calendar days of receiving an application. If the Town of Rutland does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.

(2) If the Town of Rutland determines that an application is not complete, the written notification to the applicant shall specify in detail the required information that is not complete. The applicant may resubmit an application as often as necessary until the application is complete.

3.2 Approval or denial of complete applications.

(1) Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1), the Town of Rutland shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Town of Rutland

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

(2) If the Town of Rutland denies an application, the written notification of the denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

SECTION 4. FEES. Any fee imposed by the Town of Rutland to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. An application fee that exceeds \$100 is unreasonable.


SECTION 5. INITIAL APPLICABILITY. The treatment of this ordinance first applies to applications received by the Town of Rutland on or after the effective date of this ordinance.

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

Adopted this 7th day of July, 2023.


Chairman Kent Knutson

Attest:


Dawn George, Clerk