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OHIO LEGISLATIVE SERVICE
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Ohio Administrative Code

Rule 122:30-1-01 Definitions.

Effective: November 13, 2026

As used in Chapter 122:30-1 of the Administrative Code:

(A) "Applicant" is a broadband provider that submits an application to development during an application period. Only broadband providers are eligible to apply for the program.

(B) "Directly Adjacent" means operating in a contiguous census block to all or a part of the residential addresses contained in the application.

(C) "Application period" has the meaning given to it in paragraph (A) of rule 122:30-1-03 of the Administrative Code.

(D) "Authority" means the broadband expansion authority established by section 122.403 of the Revised Code.

(E) "Development" means the department of development, or any successor agency.

(F) "Director" means the director of development.

(G) "Broadband provider" has the same meaning as division (C) of section 122.40 of the Revised Code.

(H) "Certified mail" means a commercial mail service, including the United States postal service, that provides proof of mailing via a receipt to the sender.

(I) "Commencement of construction" includes the acquisition of existing physical assets inside a right of way, physical preparation of an installation site, and installation of last mile broadband infrastructure components. Commencement of construction does not include planning of last mile infrastructure, securing of permits, or acquisition of rights of way.

(J) "Complete application" means either:

(1) An application timely submitted within an application period containing all required information and documentation; or

(2) A resubmitted application containing all required information and documentation that had been previously determined incomplete by development, timely submitted within an application period, or within an extension period of no more than fourteen days granted by development for good cause shown under division (E)(2) of section 122.4019 of the Revised Code.

(K) "Complete challenge" means a challenge timely submitted by a challenging provider by electronic mail to development and the applicant that contains, at minimum, sufficient evidence to support the challenge to the whole or portion of the complete

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application being challenged, an email address at which the challenging provider will receive notifications, and a certification signed by a duly authorized representative of the challenging provider acknowledging and agreeing that in order to uphold a challenge the challenging provider may be responsible for the funding gap in the challenged application if the challenging provider fails to provide tier two service in the challenged area within two years.

(L) "Economic feasibility" means the ratio where the numerator is the broadband funding gap and the denominator is the total project cost, subtracted from one and expressed as a percentage. For example, if a project has a broadband funding gap of one hundred dollars and a total project cost of one thousand dollars, the economic feasibility would be 0.9 or ninety per cent. The closer the ratio is to one hundred per cent, the higher the economic feasibility of the project. Economic feasibility may also include other factors as determined by the authority.

(M) "Financial stability to complete a project" means sufficient resources, assets, and revenues of the applicant, as determined by the director, to complete an eligible project. Evidence of financial stability to complete a project may include evidence of an applicant's ability to secure surety bonding for the proposed eligible project.

(N) "Good cause" means failure to meet a program timeline or requirement due to circumstances outside of an applicant's reasonable control as determined by the director. In no event is submission of an application or information at or near the end of an application period or other time period set by the Revised Code, Administrative Code, or otherwise noticed to a broadband provider by development or the authority in and of itself good cause.

(O) "Program" means the Ohio residential broadband expansion grant program as defined by division (H) of section 122.40 of the Revised Code.

(P) "Noncompliance" as used in section 122.4046 of the Revised Code and this division of the Administrative Code means failure of a broadband provider entering into a program grant agreement to meet any of the requirements applicable to the program under Chapter 122. of the Revised Code, or the material terms of a program grant agreement without timely providing a cure for its noncompliance.

(Q) "Fiscal year" means the period beginning July first of each calendar year and ending June thirtieth of the subsequent calendar year. Each fiscal year is referred to as the calendar year in which the period will end. For example, the period beginning July 1, 1900 and ending June 30, 1901 would be fiscal year 1901.

(R) "Public record information" means the information submitted by an applicant in an application or revised application, a challenging provider in a challenge, or county

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DOCUMENT #542397

commissioners in a solicitation for applications determined to be public record by development after review under rule 122:30-1-07 of the Administrative Code.

(S) "Sufficient evidence" means such information provided by a challenging provider to development to allow development to determine that all or portion of a project is ineligible under the program. Sufficient evidence is, at minimum, the information required under section 122.4031 of the Revised Code and rule 122:30-1-04 of the Administrative Code for a complete challenge. It is in the director's discretion to determine whether evidence submitted with a challenge is sufficient evidence. Sufficient evidence is the minimum evidence required to support a challenge, but it does not, in and of itself, uphold a challenge. The determination to suspend all or part of an application based on the evidence submitted in a complete challenge is in the discretion of the authority.