

**8B.10 Targeted service areas — determination — criteria.**

1. The determination of whether a communications service provider facilitates broadband service meeting the tier 1, tier 2, or tier 3 download and upload speeds specified in the definition of targeted service area in [section 8B.1](#) shall be determined or ascertained by reference to broadband availability maps or data sources that are identified by the office by rule. The office shall periodically make renewed determinations of whether a communications service provider facilitates broadband service at or above the tier 1, tier 2, or tier 3 download and upload speeds specified in the definition of targeted service area in [section 8B.1](#), which shall, to the extent updated maps and data sources are available at the time, include making such determinations prior to each round of grant applications solicited by the office pursuant to [section 8B.11](#). The office is not required to make renewed determinations of whether a communications service provider facilitates broadband service at or above the tier 1, tier 2, or tier 3 download and upload speeds specified in the definition of targeted service area in [section 8B.1](#) more frequently than once in any calendar year.

2. The office shall establish procedures to allow challenges to the office's finding on whether an area meets the definition of targeted service area.

3. All findings and determinations made pursuant to [this section](#) shall exclude mobile wireless or satellite data, capabilities, and delivery mediums.

[2015 Acts, ch 120, §31](#); [2019 Acts, ch 159, §5](#); [2020 Acts, ch 1078, §4, 5, 17](#); [2021 Acts, ch 47, §2, 5, 6](#)

2021 amendment to subsection 1 applies to applications for grants submitted pursuant to section 8B.11 on or after April 28, 2021; 2021 Acts, ch 47, §5, 6