

122:30-1-06**Noncompliance; Remedies.**

- (A) Notification of noncompliance. As required by division (A) of section 122.4046 of the Revised Code, development will notify a broadband provider that is noncompliant with its grant agreement in writing by electronic mail that of its noncompliance. The notice will contain a reasonable description of the particular noncompliance, what actions are required for the broadband provider to be in compliance, and the time required for the broadband provider to cure its noncompliance.
- (B) Opportunity to explain or cure. Within the time set forth by development in its notice to the broadband provider, the broadband provider will either provide an explanation of good cause for its noncompliance or cure its noncompliance, if the noncompliance is of such a nature that it is possible to be cured. In the event a broadband provider's noncompliance is capable of cure but incapable of being cured within the time required by development in its notice, the broadband provider will provide a plan and timeline setting forth in reasonable detail how it will cure its noncompliance, which may be accepted or denied by the director, in its discretion.
- (C) Refund. If the director determines, in its discretion, that a broadband provider's explanation for noncompliance or plan to cure is insufficient, the broadband provider fails to cure its noncompliance, or a broadband provider fails to respond to the notice of noncompliance within the time required in the notice, development may do either or both of (i) require the broadband provider to refund all or a portion of the program grant funds awarded to the broadband provider or (ii) require the broadband provider to refund all of the funds contributed toward the broadband funding gap by a municipal corporation, township, or county to the same. Development will provide the broadband provider its decision in writing by electronic mail. The broadband provider will refund the amount determined by development within thirty days of development's determination.
- (D) Termination of agreement. In the event a broadband provider is noncompliant and fails to cure its noncompliance through actions or accepted explanation, development, in addition to requiring a refund under this rule and section 122.4046 of the Revised Code, may terminate the program grant agreement and the broadband provider will be ineligible for any remaining undisbursed program grant funds and ineligible to apply for the program in any future application periods.

Any residential addresses that were part of a broadband provider's grant agreement that is terminated for noncompliance are no longer subject to de facto challenge under rule 122:30-1-04 of the Administrative Code.

Effective: 7/30/2021

CERTIFIED ELECTRONICALLY

Certification

07/30/2021

Date

Promulgated Under: 119.03
Statutory Authority: 122.4077
Rule Amplifies: 122.40 through 122.4077