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House Bill 282

By: Representatives Hamilton of the 24<sup>th</sup>, Parsons of the 44<sup>th</sup>, Stephens of the 164<sup>th</sup>, Roberts of the 155<sup>th</sup>, Harbin of the 122<sup>nd</sup>, and others

## A BILL TO BE ENTITLED AN ACT

- 1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government, 2 so as to enact the "Municipal Broadband Investment Act"; to allow for public providers of 3 broadband service to provide such services in unserved areas; to provide for a short title; to 4 provide for definitions; to prohibit a public provider from providing broadband service to 5 areas that are not unserved areas unless such provider is providing such broadband service as of a date certain; to provide for the authority and jurisdiction of the Public Service 6 7 Commission to make a determination as to whether an area is an unserved area and as to 8 certain violations; to provide for procedures; to provide a cause of action and for recovery; 9 to provide for rules and regulations; to provide for related matters; to repeal conflicting laws;
- BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:
- SECTION 1.
- 13 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
- 14 by adding a new chapter to read as follows:

and for other purposes.

- 15 "<u>CHAPTER 90A</u>
- 16 <u>36-90A-1.</u>
- 17 This chapter shall be known and may be cited as the 'Municipal Broadband Investment
- 18 <u>Act.'</u>

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- 19 <u>36-90A-2.</u>
- 20 As used in this chapter, the term:
- 21 (1) 'Broadband service' means Internet access service with transmission speeds that are
- 22 equal to or greater than 1.5 megabits per second in the faster direction.

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23 (2) 'Census block' means an area so designated by the United States decennial census

- 24 <u>of 2010 or any future census.</u>
- 25 (3) 'Commission' means the Public Service Commission.
- 26 (4) 'National Broadband Map' means a map showing broadband availability across the
- 27 United States created and maintained by the National Telecommunications and
- 28 <u>Information Administration in collaboration with the Federal Communications</u>
- 29 <u>Commission.</u>
- 30 (5) 'Private provider' means any person, firm, partnership, corporation, or association,
- 31 <u>other than a public provider, offering broadband service.</u>
- 32 (6) 'Public provider' means any county, municipal corporation, or other political
- 33 <u>subdivision of the state which provides broadband service, whether directly, indirectly,</u>
- or through any authority or instrumentality acting on behalf of or jointly with other public
- 35 providers, for the benefit of any county, municipal corporation, or other political
- 36 <u>subdivision of the state.</u>
- 37 (7) 'Unserved area' means a census block for which the most recent National Broadband
- Map shows no broadband service is available.
- 39 <u>36-90A-3.</u>
- 40 (a) On and after July 1, 2013, a public provider shall only offer broadband service to
- 41 <u>unserved areas; provided, however, that such public provider may continue to offer</u>
- 42 <u>broadband service to any census block to which it provided broadband service on or before</u>
- 43 June 30, 2013.
- 44 (b) A public provider seeking to provide broadband service in an area shall file a petition
- with the commission for a determination that such area is an unserved area. The public
- 46 provider shall include with the petition a list of any census blocks that encompass the
- 47 proposed area. Upon a determination by the commission that all of the census blocks in
- 48 <u>a proposed area are unserved areas, the public provider may commence the provision of</u>
- 49 <u>broadband service in such unserved areas.</u>
- 50 <u>36-90A-4.</u>
- 51 At any time, upon its own complaint or the complaint of any private provider or any other
- 52 <u>interested party, the commission shall have the authority and jurisdiction, after notice to</u>
- 53 <u>all affected broadband service providers and interested parties, and after a hearing, to make</u>
- 54 <u>a determination of any violation of this chapter by appropriate orders.</u>

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If any public provider does, causes, or permits any act with is prohibited, forbidden, or 56 57 declared to be unlawful under this chapter, or fails to do any act which is required by an 58 order of the commission, such public provider shall be liable to the persons affected thereby for all loss, damage, or injury caused thereby or resulting therefrom. An action to 59 60 declare such an act or failure to act unlawful, enjoin the same, and recover loss, damage, 61 or injury may be brought in any court of competent jurisdiction by any such persons 62 affected. In case of recovery, if the jury finds that such act or failure to act was willful, it 63 may fix a reasonable attorney's fee, which shall be taxed and collected as part of the costs 64 of the case.

- 65 <u>36-90A-6.</u>
- The commission shall have the authority to promulgate such rules and regulations as it
- 67 <u>deems necessary to carry out the provisions and intention of this chapter."</u>

68 SECTION 2.

69 All laws and parts of laws in conflict with this Act are repealed.