

House Bill 541

By: Representatives Barr of the 103rd, Casas of the 107th, Kelley of the 16th, Caldwell of the 20th, and Mabra of the 63rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 46-5-1 of the Official Code of Georgia Annotated, relating to
2 exercise of power of eminent domain by telephone companies, placement of posts and other
3 fixtures, regulation of construction of fixtures, posts, and wires near railroad tracks, liability
4 of telephone companies for damages, required information, and due compensation, so as to
5 specify the accounts or portions thereof considered to be included as part of the term "actual
6 recurring local service revenues"; to provide for related matters; to provide for an effective
7 date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Code Section 46-5-1 of the Official Code of Georgia Annotated, relating to exercise of power
11 of eminent domain by telephone companies, placement of posts and other fixtures, regulation
12 of construction of fixtures, posts, and wires near railroad tracks, liability of telephone
13 companies for damages, required information, and due compensation, is amended by
14 repealing paragraph (9) of subsection (b) and enacting a new paragraph (9) to read as
15 follows:

16 "(9) As used in this Code section, 'due compensation' for a municipal authority means
17 an amount equal to no more than 3 percent of actual recurring local service revenues
18 received by such company from its retail, end user customers located within the
19 boundaries of such municipal authority. 'Actual recurring local service revenues' means
20 those revenues customarily included in the Uniform System of Accounts as prescribed
21 by the Federal Communications Commission for Class 'A' and 'B' companies; provided,
22 however, that only the local service portion of the following accounts shall be included:

23 (A) Basic local service revenue, as defined in 47 C.F.R. 32.5000;

24 (B) Basic area revenue, as defined in 47 C.F.R. 32.5001;

25 (C) Optional extended area revenue, as defined in 47 C.F.R. 32.5002;

26 (D) Public telephone revenue which shall include message revenue, such as that which
27 is coin paid, and other revenue derived from public and semi-public telephone services
28 provided within the basic service area;

29 (E) Private line revenue, as defined in 47 C.F.R. 32.5040; provided, however, that the
30 portion of such accounts attributable to audio and video program transmission service
31 where both terminals of the private line are within the corporate limits of the municipal
32 authority shall not be included;

33 (F) Other basic exchange revenue, as defined in 47 C.F.R. 32.5060;

34 (G) Network access revenue, as defined in 47 C.F.R. 32.4999;

35 (H) Directory revenue, as defined in 47 C.F.R. 32.5230; provided, however, that the
36 portion of such accounts attributable to revenue derived from listings in portions of
37 directories not considered white pages shall not be included;

38 (I) Nonregulated operating revenue, as defined in 47 C.F.R. 32.5280; provided,
39 however, that the portion of such accounts attributable to revenues derived from private
40 lines shall not be included; and

41 (J) Uncollectible revenue, as defined in 47 C.F.R. 32.5300.

42 Any charge imposed by a municipal authority shall be assessed in a nondiscriminatory
43 and competitively neutral manner."

44 **SECTION 2.**

45 This Act shall become effective upon its approval by the Governor or upon its becoming law
46 without such approval.

47 **SECTION 3.**

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