

Representative Powell of the 171st offers the following substitute to SB 426:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
2 public transportation, so as to provide for the deployment of broadband services throughout
3 the state in order to increase economic development and for other purposes; to specifically
4 authorize electric membership corporations and telephone cooperatives and their affiliates
5 and subsidiaries to provide broadband services; to provide for a definition; to provide for
6 service areas and conditions upon the provision of such services by telephone cooperatives;
7 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
12 transportation, is amended by revising Code Section 46-3-200, relating to purposes of electric
13 membership corporations, as follows:

14 "46-3-200.

15 An electric membership corporation may serve any one or more of the following purposes:

- 16 (1) To furnish electrical energy and service;
- 17 (2) To assist its members in the efficient and economical use of energy;
- 18 (3) To engage in research and to promote and develop energy conservation and sources
19 and methods of conserving, producing, converting, and delivering energy; ~~and~~
- 20 (4) To provide and operate broadband services directly or through an affiliate or a
21 subsidiary in rural counties, if such electric membership corporation obtains a certificate
22 of authority issued pursuant to Code Section 46-5-163; provided, however, that an
23 electric membership corporation that was providing broadband services in a county on
24 or before January 1, 2018, that is not a rural county, may continue providing broadband
25 services to such county; provided, further, that if an electric membership corporation
26 begins providing broadband services in a rural county on or after the effective date of this

27 paragraph and such county subsequently is no longer considered a rural county, such
 28 electric membership corporation may continue providing broadband services to such
 29 county. For purposes of this paragraph, the term 'rural county' shall have the same
 30 meaning as provided in Code Section 31-7-94.1; and
 31 ~~(4)~~(5) To engage in any lawful act or activity necessary or convenient to effect the
 32 foregoing purposes."

33 **SECTION 2.**

34 Said title is further amended by revising Code Section 46-5-61, relating to declaration of
 35 purpose related to the Rural Telephone Cooperative Act, as follows:

36 "46-5-61.

37 Cooperative nonprofit corporations may be organized under this part for the purpose of
 38 furnishing telephone service in rural areas to the widest practicable number of users of such
 39 service. In addition to furnishing telephone service, such cooperative nonprofit
 40 corporations may also furnish broadband services directly or through an affiliate or a
 41 subsidiary."

42 **SECTION 3.**

43 Said title is further amended in Code Section 46-5-63, relating to powers of cooperatives
 44 generally, by adding a new paragraph to read as follows:

45 "(4.1) To furnish, improve, and expand broadband services. Such broadband services
 46 may be furnished separately from telephone service or in conjunction with telephone
 47 service and may be furnished in areas that are the same or in areas that are different from
 48 those to which the cooperative furnishes telephone service; provided, however, that none
 49 of the costs of providing broadband services shall be eligible for recovery from the
 50 Universal Access Fund provided for in Code Section 46-5-167;"

51 **SECTION 4.**

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

54 **SECTION 5.**

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