The House Committee on Economic Development and Tourism offers the following substitute to HB 244:

A BILL TO BE ENTITLED
AN ACT

To amend Part 2 of Article 4 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated, relating to corporate purposes and powers of electric membership corporations, so as to require electric membership corporations to comply with certain requirements in determining the rates for attachments to utility poles by communications service providers; to provide for certain terms and conditions for such attachments; to provide for definitions; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be cited as the "Georgia Broadband Opportunity Act."

SECTION 2.
Part 2 of Article 4 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated, relating to corporate purposes and powers of electric membership corporations, is amended by repealing in its entirety Code Section 46-3-200.4, relating to rates, terms, and conditions for pole attachments between communications service providers and electric membership corporations and their broadband affiliates, and enacting a new Code Section 46-3-200.4 to read as follows:

46-3-200.4.
(a) As used in this Code section, the term:
(1) 'Attachment' means the connection or fastening of a wire or cable to a utility pole.
(2) 'Broadband services' shall have the same meaning as provided for the term 'broadband service' in Code Section 46-5-221.
(3) 'Communications service provider' means a provider of cable service as defined in 47 U.S.C. Section 522(6), telecommunication service as defined in 47 U.S.C.
Section 153(53), or information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2020.

(4) ‘Utility pole’ means a pole or similar structure that is used in whole or in part for electric distribution by an electric membership corporation or an affiliate thereof.

(b) In order to promote the deployment of broadband services in this state, all electric membership corporations, including those subject to paragraph (2) of subsection (b) of Code Section 46-3-200.2, shall:

(1) Ensure that any rates and fees charged by such electric membership corporation for attachments to utility poles by communications service providers shall be nondiscriminatory with regard to the services furnished and shall not exceed the annual recurring rate permitted under the formula established in 47 U.S.C. Section 224(d) and any Federal Communications Commission rules, regulations, and decisions promulgated thereunder, as such existed on January 1, 2020;

(2) Establish nondiscriminatory, competitively neutral, and commercially reasonable terms and conditions for attachments to utility poles by any communications service provider that would be permitted if 47 U.S.C. Section 224 applied, including any Federal Communications Commission rules, regulations, and decisions promulgated thereunder, as such existed on January 1, 2020; and

(3) Not require compliance by a communications service provider with utility pole attachment specifications that exceed the specifications in the National Electrical Safety Code, applicable fire safety codes, and any building code or similar code of general applicability for the protection of public health, safety, or welfare that was adopted by the applicable local government jurisdiction prior to the filing of a utility pole attachment application.

(c) The commission shall have jurisdiction over all electric membership corporations to enforce compliance within the provisions of this Code section. The commission shall provide for an expedited adjudication of any complaint as to a failure to comply with this Code section and may engage an administrative law judge for purposes of such adjudication."

SECTION 3.

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