

Senate Bill 411

By: Senators Kennedy of the 18th, Jones of the 25th, Watson of the 1st, Miller of the 49th,  
Cowsert of the 46th and others

A BILL TO BE ENTITLED  
AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

11 **SECTION 2.**

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

18 "46-3-200.4.

19 (a) As used in this Code section, the term:

20 (1) 'Attachment' means the connection or fastening of a wire or cable to a utility pole.

21 (2) 'Broadband services' shall have the same meaning as provided for the term  
22 'broadband service' in Code Section 46-5-221.

23 (3) 'Communications service provider' means a provider of cable service as defined in  
24 47 U.S.C. Section 522(6), telecommunications service as defined in 47 U.S.C.

25 Section 153(53), or information service as defined in 47 U.S.C. Section 153(24), as each  
 26 such term existed on January 1, 2020.

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

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

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

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

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

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

54 **SECTION 3.**

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