

Amend Amendment No. 35 by Puente by striking the text of the amendment and substituting the following:

Amend **CSHB 789** as follows:

(1) Add a new section to the bill, numbered appropriately, to read as follows:

SECTION \_\_\_\_\_. Subchapter E, Chapter 54, Utilities Code, is amended by adding Section 54.2022 to read as follows:

Sec. 54.2022. PROHIBITION ON MUNICIPAL CHARGES FOR WIRELESS BROADBAND SERVICES. (a) Notwithstanding any other law, a municipality may not charge for wireless broadband services, including wireless fidelity, or Wi-Fi, services, that the municipality may provide under this title, except as provided by Subsection (b).

(b) A municipality that charged for services described by Subsection (a) on January 1, 2005, may continue to charge for those services.

(2) Add a new section to the bill, numbered appropriately, to read as follows:

SECTION \_\_\_\_\_. (a) The Public Utility Commission of Texas shall conduct a study for presentation to the 80th Legislature on issues regarding the provision of wireless broadband communications services by municipalities, including wireless fidelity, or Wi-Fi, services.

(b) A municipality may not offer to the public, directly or indirectly, wireless broadband communications services, including wireless fidelity, or Wi-Fi, services, unless the municipality was providing the service on or before September 1, 2006, or unless the municipality has filed with the commission before June 15, 2006, a statement of intent to provide the services that meets the requirements of Subsection (c) of this section.

(c) A statement of intent described by Subsection (b) of this section must be presented to the commission for approval as a part of the study conducted under this section and must include information sufficient for the commission to determine that the municipality has a plan for providing the services and has the fiscal and managerial capacity to provide the intended services.

(d) The commission shall present the report and approved

statements of intent to the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the house of representatives and senate that has jurisdiction over matters related to communications services and municipal government. The report must be presented not later than September 1, 2006.

(e) The report may include discussion on any issue related to the provision of wireless broadband communications services by municipalities, including wireless fidelity, or Wi-Fi, services, that the commission considers important for consideration by the legislature. The report must include the commission's recommendations for legislation and commentary on issues the commission considers important for the legislature's consideration.