By: Smithee   H.B. No. 4577

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the deployment of broadband service in rural areas of

3 the state.

4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5   SECTION 1. Subtitle A, Title 2, Utilities Code, is amended

6 by adding Chapter 18 to read as follows:

7   CHAPTER 18 BROADBAND DEPLOYMENT

8   Sec. 18.001. FINDINGS. The Legislature finds that access

9 to broadband is important for all Texans, and that the state should

10 direct efforts to facilitate the deployment of broadband to

11 unserved areas of the state.

12   Sec. 18.002. DEFINITIONS. In this chapter:

13   (1) "Broadband" means a wireline or fixed wireless

14 service that provides advanced telecommunications capability and

15 Internet access.

16   (2) "Unserved" means a census block without access to

17 broadband with minimum speeds of at least 25 Megabits per second

18 download and 3 Megabits per second upload.

19   Section 18.003. PROJECT RIGHT OF FIRST REFUSAL.

20   (a) With regard to an application for retail broadband

21 service, each incumbent provider in the area that is not providing

22 access to a broadband network in the unserved area may exercise a

23 right of first refusal regarding the implementation of a project in

24 the unserved area as described by subsection (b).

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1   (b) If an incumbent provider exercises a right of first
2 refusal, the incumbent provider commits to providing access to a
3 broadband network:
4   (1) within two years after the applicant's submission
5 of a request for retail service;
6   (2) at demonstrated downstream and upstream speeds
7 equal to or faster than the speeds indicated in the applicant's
8 request for retail service; and
9   (3) at a cost per household in the area to be served
10 that is equal to or less than the cost per household indicated in
11 the applicant's request for retail service.
12   Section 18.004. NO OTHER REGULATORY OBLIGATIONS. In the
13 event that grants are awarded, a program administrator shall not
14 include consideration of any new or additional regulatory
15 obligations beyond those required under applicable law, including
16 but not limited to, open access network requirements or any rate,
17 service or other obligations beyond speed requirements.
18   SECTION 2. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2019.