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(Kuempel, Ashby, Bell of Kaufman, King of Parker,  
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S.B. No. 14

Substitute the following for S.B. No. 14:

By: Springer

C.S.S.B. No. 14

A BILL TO BE ENTITLED

AN ACT

relating to broadband service or facilities provided by an electric cooperative.

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

SECTION 1. Subchapter C, Chapter 181, Utilities Code, is amended by adding Section 181.048 to read as follows:

Sec. 181.048. ELECTRIC COOPERATIVE BROADBAND FACILITIES.

(a) In this section:

(1) "Broadband service" means Internet service with the capability of providing:

(A) a download speed of 25 megabits per second or faster; and

(B) an upload speed of three megabits per second or faster.

(2) "Electric cooperative" means an electric cooperative organized under Chapter 161 or a predecessor statute to Chapter 161.

(b) An electric cooperative or electric cooperative affiliate may construct, operate, and maintain fiber optic cables and other facilities for providing broadband service over, under, across, on, or along real property, personal property, rights-of-way, easements, and licenses and other property rights owned, held, or used by the cooperative. An easement or other property right owned, held, or used by the electric cooperative to

1 provide electricity or other services may also be used to provide  
2 broadband service.

3 (c) The monetary rates applicable to an electric  
4 cooperative or electric cooperative affiliate for attaching  
5 broadband facilities on the electric cooperative's poles may not be  
6 less than the monetary rates the electric cooperative charges to  
7 other broadband service providers for attaching broadband  
8 facilities to the electric cooperative's poles. The terms and  
9 conditions applicable to an electric cooperative or electric  
10 cooperative affiliate for attaching broadband facilities on the  
11 electric cooperative's poles must be comparable to the terms and  
12 conditions the electric cooperative applies to other broadband  
13 service providers for attaching broadband facilities to the  
14 electric cooperative's poles. This subsection does not limit or  
15 restrict an electric cooperative or electric cooperative affiliate  
16 from installing fiber optic cables in the supply space of the  
17 electric cooperative's poles.

18 (d) An electric cooperative or electric cooperative  
19 affiliate that provides broadband service shall maintain separate  
20 books and records of broadband service operations and the broadband  
21 service operations of any subsidiary and shall ensure that the  
22 rates charged for provision of electric service do not include any  
23 broadband service costs or any other costs not related to the  
24 provision of electric service.

25 (e) Subject to Subsection (f), not later than the 60th day  
26 before the date the electric cooperative or electric cooperative  
27 affiliate begins construction in an easement or other property

1 right that existed before that date of fiber optic cables and other  
2 facilities for providing broadband service, the electric  
3 cooperative or electric cooperative affiliate must provide written  
4 notice to the owners of property in which the easement or property  
5 right is located of the intent to use the easement or other property  
6 right for broadband service. The electric cooperative or electric  
7 cooperative affiliate shall send the notice by first class mail to  
8 the last known address of each person in whose name the property is  
9 listed on the most recent tax roll of each county authorized to levy  
10 property taxes against the property. The notice must state whether  
11 any new fiber optic cables used for broadband service will be  
12 located above or below ground in the easement or other property  
13 right. Not later than the 60th day after the date notice is mailed  
14 by the electric cooperative or electric cooperative affiliate, a  
15 property owner entitled to notice under this subsection may submit  
16 to the electric cooperative or electric cooperative affiliate a  
17 written protest of the intended use of the easement or other  
18 property right for broadband service. If an electric cooperative  
19 or electric cooperative affiliate receives a timely written protest  
20 under this subsection, the electric cooperative or electric  
21 cooperative affiliate may not use the easement or other property  
22 right for broadband service unless the protestor later agrees in  
23 writing to that use or that use is authorized by law.

24 (f) Subsection (e) does not apply to an electric  
25 cooperative's or electric cooperative affiliate's use of an  
26 easement or other property right that includes an authorization for  
27 the use of the easement or property right for the provision of

1 broadband service or similar communications service.

2 (g) This section may not be construed to:

3 (1) conflict with or limit the provisions of Chapter  
4 43; or

5 (2) limit or prohibit an electric cooperative's use of  
6 the electric cooperative's fiber optic cables or other facilities  
7 to operate and maintain the electric cooperative's electric  
8 transmission or distribution system or to provide electric service.

9 SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2019.