

1-1 By: Nichols, et al. S.B. No. 14
 1-2 (In the Senate - Filed February 6, 2019; February 7, 2019,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 27, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 1; March 27, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 14 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to broadband service or facilities provided by an electric
 1-22 cooperative.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter C, Chapter 181, Utilities Code, is
 1-25 amended by adding Section 181.048 to read as follows:

1-26 Sec. 181.048. ELECTRIC COOPERATIVE BROADBAND FACILITIES.

1-27 (a) In this section:

1-28 (1) "Broadband service" means Internet service with
 1-29 the capability of providing:

1-30 (A) a download speed of 25 megabits per second or
 1-31 faster; and

1-32 (B) an upload speed of three megabits per second
 1-33 or faster.

1-34 (2) "Electric cooperative" means an electric
 1-35 cooperative organized under Chapter 161 or a predecessor statute to
 1-36 Chapter 161.

1-37 (3) "Pole attachment" has the meaning assigned by
 1-38 Section 252.001.

1-39 (b) An electric cooperative or an electric cooperative
 1-40 affiliate may construct, operate, and maintain fiber optic cables
 1-41 and other facilities for providing broadband service over, under,
 1-42 across, on, or along real property, personal property,
 1-43 rights-of-way, and easements owned, held, or used by the
 1-44 cooperative. An easement or other property right owned, held, or
 1-45 used by the electric cooperative to provide electricity or other
 1-46 services may also be used to provide broadband service.

1-47 (c) An electric cooperative shall charge pole attachment
 1-48 fees to an electric cooperative affiliate for broadband facilities
 1-49 that are comparable to the pole attachment fees that the electric
 1-50 cooperative charges to other broadband service providers for
 1-51 broadband facilities.

1-52 (d) An electric cooperative or electric cooperative
 1-53 affiliate that provides broadband service shall maintain separate
 1-54 books and records of broadband service operations and the broadband
 1-55 service operations of any subsidiary and shall ensure that the
 1-56 rates charged for provision of electric service do not include any
 1-57 broadband service costs or any other costs not related to the
 1-58 provision of electric service.

1-59 (e) Subject to Subsection (f), not later than the 60th day
 1-60 before the date the electric cooperative or electric cooperative

2-1 affiliate begins construction in an easement or other property
2-2 right granted before that date of fiber optic cables and other
2-3 facilities for providing broadband service, the electric
2-4 cooperative or affiliate must provide written notice to the owners
2-5 of property in which the easement or property right is located of
2-6 the intent to use the easement or other property right for broadband
2-7 service. The electric cooperative or electric cooperative
2-8 affiliate shall send the notice by first class mail to the last
2-9 known address of each person in whose name the property is listed on
2-10 the most recent tax roll of each county authorized to levy property
2-11 taxes against the property. The notice must state whether any new
2-12 fiber optic cables used for broadband service will be located above
2-13 or below ground in the easement or other property right. Not later
2-14 than the 60th day after the date notice is mailed by the electric
2-15 cooperative or electric cooperative affiliate, a property owner
2-16 entitled to notice under this subsection may submit to the
2-17 cooperative or affiliate a written protest of the intended use of
2-18 the easement or other property right for broadband service. If an
2-19 electric cooperative or electric cooperative affiliate receives a
2-20 timely written protest under this subsection, the electric
2-21 cooperative or electric cooperative affiliate may not use the
2-22 easement or other property right for broadband service unless the
2-23 protestor later agrees in writing to that use or that use is
2-24 authorized by other law.

2-25 (f) Subsection (e) does not apply to an electric
2-26 cooperative's or an electric cooperative affiliate's use of an
2-27 easement or other property right that includes an authorization for
2-28 the use of the easement or property right for the provision of
2-29 broadband service or similar communications service.

2-30 (g) This section may not be construed to:

2-31 (1) conflict with or limit the provisions of Chapter
2-32 43; or

2-33 (2) limit or prohibit an electric cooperative's use of
2-34 the cooperative's cables or other facilities to operate and
2-35 maintain the cooperative's electric transmission or distribution
2-36 system or to provide electric service.

2-37 SECTION 2. This Act takes effect immediately if it receives
2-38 a vote of two-thirds of all the members elected to each house, as
2-39 provided by Section 39, Article III, Texas Constitution. If this
2-40 Act does not receive the vote necessary for immediate effect, this
2-41 Act takes effect September 1, 2019.

2-42 * * * * *