

By: Darby

H.B. No. 3448

Substitute the following for H.B. No. 3448:

By: King

C.S.H.B. No. 3448

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the access by a certificated telecommunications
3 provider to the rights-of-way and poles of an electric cooperative.

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

5 SECTION 1. Title 5, Utilities Code, is amended by adding
6 Chapter 254 to read as follows:

7 CHAPTER 254. ACCESS BY CERTIFICATED TELECOMMUNICATIONS PROVIDERS

TO ELECTRIC COOPERATIVE RIGHTS-OF-WAY AND DISTRIBUTION POLES

9 Sec. 254.001. DEFINITIONS. In this chapter:

1 Sec. 254.002. CONSTRUCTION. Unless defined by Section
2 254.001, the technical terms and phrases in this chapter shall be
3 construed using their usual and customary meanings in the electric
4 and telecommunications industries.

5 Sec. 254.003. CONFLICT WITH OTHER LAW. To the extent of any
6 conflict between this chapter and any other law, this chapter
7 controls.

8 Sec. 254.004. ACCESS. (a) An electric cooperative shall
9 provide a certificated telecommunications provider with just,
10 reasonable, and nondiscriminatory access regarding:

11 (1) the placement of a facility in the electric
12 cooperative's right-of-way;

13 (2) a pole attachment rate or term or condition for a
14 pole that the electric cooperative owns or controls; and

15 (3) access to a building relating to Subdivision (1)
16 or (2).

17 (b) An electric cooperative may not charge a certificated
18 telecommunications provider a pole attachment rate that:

19 (1) exceeds the rate agreed to in a contract between
20 the cooperative and the provider; or

21 (2) exceeds the rate that the electric cooperative
22 would be permitted to charge under rules adopted by the Federal
23 Communications Commission under 47 U.S.C. Section 224 if the
24 electric cooperative's rates were regulated under federal law and
25 the rules of the Federal Communications Commission, including the
26 most recent default authorized rate of return for rate-of-return
27 carriers.

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1 (c) The rate described by Subsection (b)(2) may be
2 established by the Public Utility Commission of Texas in a
3 contested case proceeding under Chapter [2001](#), Government Code.

21 Sec. 254.006. AUTHORITY OF PUBLIC UTILITY COMMISSION. (a)
22 Notwithstanding Section 41.004, the Public Utility Commission of
23 Texas:

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1 charged by an electric cooperative to a certificated
2 telecommunications provider comply with Sections 254.004(b)(2) and
3 (d); and

4 (2) shall enforce this chapter and adopt rules
5 reasonably required for that purpose.

6 (b) For the purposes of enforcing this chapter, a reference
7 in Chapter 15 to a person includes an electric cooperative.

8 SECTION 2. This Act takes effect September 1, 2025.