

By: Darby

H.B. No. 3448

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 254. ACCESS BY CERTIFICATED TELECOMMUNICATIONS PROVIDERS
TO ELECTRIC COOPERATIVE RIGHTS-OF-WAY AND DISTRIBUTION POLES

Sec. 254.001. DEFINITIONS. In this chapter:

(1) "Certificated telecommunications provider" means a person who has been issued a certificate of convenience and necessity, certificate of operating authority, or service provider certificate of operating authority by the Public Utility Commission of Texas to offer local exchange telephone service or a person who provides voice service.

(2) "Pole" means a pole carrying distribution lines with a voltage rating no higher than 34.5 kilovolts.

(3) "Pole attachment" means an affixture of cables, strands, wires, and associated equipment attached to a pole directly or indirectly or placed in a right-of-way owned or controlled by an electric cooperative.

Sec. 254.002. NONDISCRIMINATORY ACCESS. (a) An electric cooperative shall provide a certificated telecommunications provider with nondiscriminatory access regarding:

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

3 (2) a pole attachment rate or term for a pole that the
4 electric cooperative owns or controls; or

5 (3) access to a building relating to Subdivision (1)
6 or (2).

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

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

11 (2) exceeds the rate that the electric cooperative
12 would be permitted to charge under rules adopted by the Federal
13 Communications Commission under 47 U.S.C. Section 224(e) if the
14 electric cooperative's rates were regulated under federal law and
15 the rules of the Federal Communications Commission, which may be
16 established by the Public Utility Commission of Texas in a
17 contested case proceeding under Chapter 2001, Government Code.

18 Sec. 254.003. AUTHORITY OF PUBLIC UTILITY COMMISSION. (a)
19 Notwithstanding Section 41.004, the Public Utility Commission of
20 Texas:

21 (1) may open a contested case proceeding under Chapter
22 2001, Government Code, to determine whether a pole attachment rate
23 charged by an electric cooperative to a certificated
24 telecommunications provider complies with Section 254.002(b)(2);
25 and

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

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

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