

SENATE BILL 2851

By Roberts

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 6; Title 7; Title 13; Title 65; Title 67 and Title  
68, relative to broadband services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-59-316, is amended by adding the following as a new subsection:

(f)

(1) This section does not prohibit a county or municipality, or an entity otherwise authorized by law to act on behalf of a county or municipality, or a cooperative from providing telecommunication service, including broadband service, pursuant to this title, either on its own or through other business relationships with one (1) or more third parties in a geographical area that is inside the jurisdiction or service area of the county or municipality, or with an entity otherwise authorized by law to act on behalf of a county or municipality, or a cooperative.

(2) For purposes of this subsection (f), "broadband service" means wireline access to the internet with minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps), or the current definition of "broadband" according to the federal communications commission (FCC), whichever requires higher download and upload speeds, and includes other related services, including, but not limited to, video programming, cable television, and similar services.

SECTION 2. Tennessee Code Annotated, Title 65, Chapter 25, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Broadband service" means wireline access to the internet with minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps), or the current definition of "broadband" according to the federal communications commission (FCC), whichever requires higher download and upload speeds, and includes other related services, including, but not limited to, video programming, cable television, and similar services;

(2) "Cooperative" means a cooperative with a service area that covers the following counties, according to the 2020 federal census or any subsequent federal census:

(A) A county having a population of not less than thirteen thousand six hundred (13,600) nor more than thirteen thousand seven hundred (13,700);

(B) A county having a population of not less than forty-one thousand (41,000) nor more than forty-one thousand one hundred (41,100);

(C) A county having a population of not less than seventy-two thousand eight hundred (72,800) nor more than seventy-two thousand nine hundred (72,900);

(D) A county having a population of not less than one hundred ninety-six thousand two hundred (196,200) nor more than one hundred ninety-six thousand three hundred (196,300); and

(E) A county having a population of not less than two hundred twenty thousand (220,000) nor more than two hundred twenty thousand one hundred (220,100): and

(3) "Municipality" means a municipality of this state having a population of not less than eighteen thousand seven hundred eighty (18,780) nor more than eighteen thousand seven hundred ninety (18,790), according to the 2020 federal census or any subsequent census.

(b) Notwithstanding the limitation described in § 65-25-134(a)(2), a cooperative may supply or furnish broadband service, or construct and maintain infrastructure and equipment necessary for supplying or furnishing broadband service, within the jurisdictional boundaries of a municipality, if the municipality authorizes the cooperative to supply or furnish such service, or construct and maintain infrastructure and equipment necessary for supplying or furnishing such service.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.