

House Bill 244

By: Representatives Stephens of the 164<sup>th</sup>, Harrell of the 106<sup>th</sup>, Smyre of the 135<sup>th</sup>, Parsons of the 44<sup>th</sup>, Hatchett of the 150<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 4 of Chapter 3 of Title 46 of the Official Code of Georgia  
2 Annotated, relating to corporate purposes and powers of electric membership corporations,  
3 so as to require electric membership corporations to comply with certain requirements in  
4 determining the rates for attachments to utility poles by communications service providers;  
5 to provide for definitions; to provide for related matters; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 2 of Article 4 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated,  
10 relating to corporate purposes and powers of electric membership corporations, is amended  
11 by adding a new Code section to read as follows:

12 "46-3-200.1.

13 (a) As used in this Code section, the term:

14 (1) 'Attachment' means the connection or fastening of a wire or cable to a utility pole.

15 (2) 'Broadband services' shall have the same meaning as provided for the term  
16 'broadband service' in Code Section 46-5-221.

17 (3) 'Communications service provider' means a provider of cable service as defined in  
18 47 U.S.C. Section 522(6), telecommunications service as defined in 47 U.S.C. Section  
19 153(53), or information service as defined in 47 U.S.C. Section 153(24), as each such  
20 term existed on January 1, 2019.

21 (4) 'Utility pole' means a pole or similar structure that is used in whole or in part for  
22 electric distribution by an electric membership corporation or an affiliate thereof or by  
23 a local governing authority or an affiliate thereof.

24 (b) In order to promote the deployment of broadband services in the state, each electric  
25 membership corporation shall:

26 (1) Ensure that any rates and fees charged by such electric membership corporation for  
27 attachments to utility poles by communications service providers shall be  
28 nondiscriminatory regardless of the services furnished and shall not exceed the annual  
29 recurring rate permitted under rules and regulations adopted pursuant to 47 U.S.C.  
30 Section 224(d) by the Federal Communications Commission, as such existed on January  
31 1, 2019, and any regulations and Federal Communications Commission decisions  
32 promulgated thereunder;

33 (2) Establish nondiscriminatory, competitively neutral, and commercially reasonable  
34 terms and conditions for attachments to utility poles by any communications service  
35 provider, which terms and conditions shall comply with the federal pole attachment  
36 requirements provided in 47 U.S.C. Section 224, as such existed on January 1, 2019, and  
37 any regulations and Federal Communications Commission decisions promulgated  
38 thereunder; and

39 (3) Not require compliance by a communications service provider with utility pole  
40 attachment specifications that exceed the specifications in the National Electrical Safety  
41 Code, applicable fire safety codes, and any building code or similar code of general  
42 applicability for the protection of public health, safety, or welfare that was adopted by the  
43 applicable local government jurisdiction prior to the filing of a utility pole attachment  
44 application."

45 **SECTION 2.**

46 All laws and parts of laws in conflict with this Act are repealed.