

The House Committee on Economic Development and Tourism offers the following substitute to HB 244:

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.

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

25 (1) Ensure that any rates and fees charged by such electric membership corporation for
26 attachments to utility poles by communications service providers shall be

27 nondiscriminatory regardless of the services furnished and shall not exceed the annual
28 recurring rate permitted under rules and regulations adopted pursuant to 47 U.S.C.
29 Section 224(d) by the Federal Communications Commission, as such existed on January
30 1, 2019, and any regulations and Federal Communications Commission decisions
31 promulgated thereunder;

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

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

44 **SECTION 2.**

45 All laws and parts of laws in conflict with this Act are repealed.