

The House Committee on Energy, Utilities and Telecommunications offers the following substitute to HB 282:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as to enact the "Municipal Broadband Investment Act"; to allow for public providers of  
3 broadband service to provide such services in unserved areas; to provide for a short title; to  
4 provide for definitions; to prohibit a public provider from providing broadband service to  
5 areas that are not unserved areas unless such provider is providing such broadband service  
6 as of a date certain; to provide for the authority and jurisdiction of the Public Service  
7 Commission to make a determination as to whether an area is an unserved area and as to  
8 certain violations; to provide for procedures; to provide a cause of action and for recovery;  
9 to provide for rules and regulations; to provide for related matters; to repeal conflicting laws;  
10 and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
14 by adding a new chapter to read as follows:

15 style="text-align:center">"CHAPTER 90A

16 36-90A-1.

17 This chapter shall be known and may be cited as the 'Municipal Broadband Investment  
18 Act.'

19 36-90A-2.

20 As used in this chapter, the term:

21 (1) 'Broadband service' means Internet access service with transmission speeds that are  
22 equal to or greater than 3.0 megabits per second in the faster direction.

23 (2) 'Census block' means an area so designated by the United States decennial census  
 24 of 2010 or any future census.

25 (3) 'Commission' means the Public Service Commission.

26 (4) 'National Broadband Map' means a map showing broadband availability across the  
 27 United States created and maintained by the National Telecommunications and  
 28 Information Administration in collaboration with the Federal Communications  
 29 Commission.

30 (5) 'Private provider' means any person, firm, partnership, corporation, or association,  
 31 other than a public provider, offering broadband service.

32 (6) 'Public provider' means any county, municipal corporation, or other political  
 33 subdivision of this state which provides broadband service, whether directly, indirectly,  
 34 or through any authority or instrumentality acting on behalf of or jointly with other public  
 35 providers, for the benefit of any county, municipal corporation, or other political  
 36 subdivision of this state; provided, however, that such term shall not include a municipal  
 37 corporation, or any authority or instrumentality of a municipal corporation, that owns or  
 38 operates an electric utility.

39 (7) 'Unserved area' means a census block for which the National Broadband Map shows  
 40 no broadband service is available.

41 36-90A-3.

42 (a) On and after July 1, 2013, a public provider shall only offer broadband service to  
 43 unserved areas; provided, however, that such public provider may:

44 (1) Continue to offer broadband service to any census block to which it provided  
 45 broadband service on or before June 30, 2013; and

46 (2) Offer broadband service to any census block in which it had, on or before June 30,  
 47 2013, infrastructure capable of providing broadband service.

48 (b) A public provider seeking to provide broadband service in an area shall file a petition  
 49 with the commission for a determination that such area is an unserved area. The public  
 50 provider shall include with the petition a list of any census blocks that encompass the  
 51 proposed area. Upon a determination by the commission that all of the census blocks in  
 52 a proposed area are unserved areas, the public provider may commence the provision of  
 53 broadband service in such unserved areas.

54 36-90A-4.

55 At any time, upon its own complaint or the complaint of any private provider or any other  
 56 interested party, the commission shall have the authority and jurisdiction, after notice to

57 all affected broadband service providers and interested parties, and after a hearing, to make  
58 a determination of any violation of this chapter by appropriate orders.

59 36-90A-5.

60 If any public provider does, causes, or permits any act which is prohibited, forbidden, or  
61 declared to be unlawful under this chapter, or fails to do any act which is required by an  
62 order of the commission, such public provider shall be liable to the persons affected  
63 thereby for all loss, damage, or injury caused thereby or resulting therefrom. An action to  
64 declare such an act or failure to act unlawful, enjoin the same, and recover loss, damage,  
65 or injury may be brought in any court of competent jurisdiction by any such persons  
66 affected. In case of recovery, if the jury finds that such act or failure to act was willful, it  
67 may fix a reasonable attorney's fee, which shall be taxed and collected as part of the costs  
68 of the case.

69 36-90A-6.

70 The commission shall have the authority to promulgate such rules and regulations as it  
71 deems necessary to carry out the provisions and intention of this chapter."

72 **SECTION 2.**

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