

SENATE BILL 490

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 10; Title 65; Title 67
and Title 68, relative to communications service.

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

SECTION 1. Tennessee Code Annotated, Section 7-59-305(d)(2), is amended by adding the following language to the end of the subdivision:

This subdivision (d)(2) does not apply to an applicant that establishes it has provided fiber-to-the-premises (FTTP) to at least one thousand (1,000) customers for a period of at least one (1) year prior to the application for a state-issued franchise.

SECTION 2. Tennessee Code Annotated, Section 7-59-305, is amended by adding the following new subsection:

(m) Notwithstanding any law to the contrary:

(1) An applicant shall be deemed by the department to have satisfied all of the requirements necessary for approval of a state-issued certificate of franchise authority if the applicant has provided FTTP to at least one thousand (1,000) customers for a period of at least one (1) year prior to the application;

(2) An applicant satisfying the requirements of this subsection (m) and obtaining a state-issued certificate of franchise authority is authorized to provide service outside the applicant's existing service area;

(3) This subsection (m) applies to all providers, including, but not limited to, private providers of broadband internet service; electric cooperatives operating pursuant to the Rural Electric and Community Services Cooperative

Act, compiled in title 65, chapter 25; and municipal electric systems operating pursuant to chapter 52 of this title or any other applicable law;

(4) No provider who receives a state-issued certificate of franchise authority pursuant to this subsection (m) shall overbuild existing infrastructure designed to deliver FTTP; and

(5) There are no regulatory restrictions regarding collaboration, cooperation, or partnering between providers of FTTP that receive a state-issued certificate of franchise authority pursuant to this subsection (m).

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