

SENATE BILL 1045

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 4; Title 6; Title 7; Title 10; Title 65; Title 67 and Title 68, relative to telecommunications, broadband, and related services.

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

SECTION 1. Tennessee Code Annotated, Section 7-52-103, is amended by deleting subsections (c), (d), and (f) and substituting instead the following:

(c)

(1) Each municipality operating an electric plant has the power and is authorized, acting through the authorization of the board or supervisory body having responsibility for the municipal electric plant, to provide telecommunication service, including broadband service, pursuant to this title, either on its own or by joint venture or other business relationship with one (1) or more third parties and in geographical areas that are inside and outside the electric plant's service area.

(2) For purposes of this subsection (c), "broadband service" means wireline access to the internet of speeds at least twenty-five megabits per second (25 Mbps) for download transmission and three megabits per second (3 Mbps) for upload transmission (25/3), or the current definition of broadband according to the Federal Communications Commission (FCC), whichever is higher, and includes other related services, including, but not limited to, video programming, cable television, and similar services.

SECTION 2. Tennessee Code Annotated, Section 7-52-601(a), is amended by deleting the language "within its service area".

SECTION 3. Tennessee Code Annotated, Section 7-59-316, is amended by adding the following language as a new subsection:

(f)

(1) Nothing in this section prohibits a county or municipality, or any entity otherwise authorized by law to act on a county or municipality's behalf, or a cooperative to provide 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 any geographical areas that are inside and outside the jurisdiction or service area of the county or municipality or any entity otherwise authorized by law to act on a county or municipality's behalf, or a cooperative.

(2) For purposes of this subsection (f), "broadband service" means wireline access to the internet of speeds at least twenty-five megabits per second (25 Mbps) for download transmission and three megabits per second (3 Mbps) for upload transmission (25/3), or the current definition of broadband according to the Federal Communications Commission (FCC), whichever is higher, and includes other related services, including, but not limited to, video programming, cable television, and similar services.

SECTION 4. Tennessee Code Annotated, Section 7-59-316(a)(1), is amended by deleting the language "to participate in a telecommunications joint venture that is created" and further amended by deleting the language:

to areas within the jurisdiction of the municipality, county or cooperative that has been determined to be an historically unserved area, meaning that the area does not have access to broadband Internet services, has been an area developed for residential use for more than five (5) years, and is outside the service area of a video or cable service local franchise holder or the franchise area of a holder of a state-issued certificate of franchise authority

SECTION 5. Tennessee Code Annotated, Section 65-25-104(a)(2), is amended by adding the following language as a new subdivision:

(D)

(i) Supplying or furnishing broadband service, or constructing and maintaining infrastructure and equipment necessary for supplying or furnishing broadband service;

(ii) For purposes of this subdivision (a)(2)(D), "broadband service" means wireline access to the internet of speeds at least twenty-five megabits per second (25 Mbps) for download transmission and three megabits per second (3 Mbps) for upload transmission (25/3), or the current definition of broadband according to the Federal Communications Commission (FCC), whichever is higher, and includes other related services, including, but not limited to, video programming, cable television, and similar services.

SECTION 6. Tennessee Code Annotated, Section 65-25-105(c), is amended by deleting the subsection and substituting instead the following:

(c)

(1) In addition to all other powers set forth in this chapter, a cooperative has the power and is authorized, acting through the authorization of its supervisory body, to provide telecommunication service, including broadband service, either on its own or by joint venture or other business relationship with one (1) or more third parties and in geographical areas that are inside and outside the electric plant's service area.

(2) For purposes of this subsection (c), "broadband service" means wireline access to the internet of speeds at least twenty-five megabits per second (25 Mbps) for download transmission and three megabits per second (3 Mbps)

for upload transmission (25/3), or the current definition of broadband according to the Federal Communications Commission (FCC), whichever is higher, and includes other related services, including, but not limited to, video programming, cable television, and similar services.

SECTION 7. Tennessee Code Annotated, Section 65-25-127, is amended by deleting the section.

SECTION 8. Tennessee Code Annotated, Section 65-25-134(a), is amended by deleting the language "telegraph, telecommunications" and substituting instead the language "telegraph, telecommunications, broadband internet access service, television programming, or other like".

SECTION 9. Tennessee Code Annotated, Section 65-25-134(b), is amended by deleting the language "for such services" and substituting instead the language "for such services and shall comply with any applicable provisions of contracts with suppliers of electricity prohibiting or otherwise limiting cross-subsidies of services with electricity revenues".

SECTION 10. Tennessee Code Annotated, Section 65-25-134(e)(2), is amended by deleting the language ",or to operate a cable system as defined by § 7-59-201, except as permitted by Acts 1999, ch. 430,".

SECTION 11. Tennessee Code Annotated, Section 65-29-104, is amended by adding the following language as a new subdivision:

(16)

(A) Supply or furnish broadband service, or construct and maintain infrastructure and equipment necessary for supplying or furnishing broadband service within or outside of its historic service area;

(B) For purposes of this subdivision (16), "broadband service" means wireline access to the internet of speeds at least twenty-five megabits per second

(25 Mbps) for download transmission and three megabits per second (3 Mbps) for upload transmission (25/3), or the current definition of broadband according to the Federal Communications Commission (FCC), whichever is higher, and includes other related services, including, but not limited to, video programming, cable television, and similar services.

SECTION 12. Tennessee Code Annotated, Section 65-36-108, is amended by deleting the following language from subsection (b):

operate a cable system as defined by § 7-59-201 for the provision of cable service, to provide pager services, or to operate as an internet service provider

and substitute instead the language:

to provide pager services

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.