

House Bill 533

By: Representatives Harrell of the 106th, Williamson of the 115th, Parsons of the 44th, Martin of the 49th, and Carson of the 46th

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 limit the ability of local governing authorities to prohibit, regulate, or charge for the
3 collocation of small wireless facilities in public rights of way under certain circumstances;
4 to provide for definitions; to specify that a local governing authority may require permit fees
5 only under certain circumstances; to require a local governing authority to receive and
6 process applications for and issue permits subject to specified requirements; to provide that
7 approval of and charges by a local governing authority are not required for certain activities
8 related to certain wireless facilities; to require a local governing authority to approve the
9 collocation of small wireless facilities on certain utility poles, subject to certain requirements;
10 to provide requirements for rates, fees, and other terms related to utility poles of the local
11 governing authority; to prohibit a local governing authority from adopting or enforcing any
12 regulations on the placement or operation of certain facilities and from regulating any
13 communications services or imposing or collecting any taxes, fees, or charges not
14 specifically authorized under state law; to provide the Public Service Commission with the
15 jurisdiction to determine disputes; to provide a short title; to provide for related matters; to
16 provide an effective date; to repeal conflicting laws; and for other purposes.

17 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

18 **SECTION 1.**

19 This Act shall be known and may be cited as the "5G Broadband Infrastructure Leads to
20 Development (BILD) Act."

21 **SECTION 2.**

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

24 "CHAPTER 66C25 36-66C-1.26 As used in this chapter, the term:27 (1) 'Antenna' means communications equipment that transmits or receives
28 electromagnetic radio frequency signals used in the provision of wireless services.29 (2) 'Applicable codes' means uniform building, fire, electrical, plumbing, or mechanical
30 codes adopted by a recognized national code organization or local amendments to such
31 codes enacted solely to address imminent threats of destruction of property or injury to
32 persons to the extent not inconsistent with the terms of this chapter.33 (3) 'Applicant' means any wireless provider that submits an application to an authority
34 pursuant to this chapter.35 (4) 'Application' means a request submitted by an applicant to an authority:36 (A) For a permit to collocate small wireless facilities; or37 (B) To approve the installation, modification, or collocation of a utility pole or a
38 wireless support structure.39 (5) 'Authority' means the Department of Transportation or any local governing authority.40 (6) 'Authority pole' means a utility pole, other than a utility pole for designated services,
41 owned or operated by an authority in a right of way.42 (7) 'Base station' means wireless facilities or a wireless support structure or utility pole
43 that currently supports wireless facilities. The term 'base station' shall not include a tower
44 or any equipment associated with a tower.45 (8) 'Cable operator' means any person that:46 (A) Provides cable service over a cable system and directly or through one or more
47 affiliates owns a significant interest in such cable system; or48 (B) Otherwise controls or is responsible for, through any arrangement, the management
49 and operation of a cable system.50 (9) 'Collocate' or 'collocation' means to install, mount, maintain, modify, operate, or
51 replace one or more wireless facilities on, under, within, or adjacent to a wireless support
52 structure or utility pole.53 (10) 'Communications service provider' means a cable operator, an information service
54 provider, a telecommunications carrier, or a wireless provider.55 (11) 'Fee' means a one-time charge.56 (12) 'Information service provider' means any person that offers the capability for
57 generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making
58 available information via telecommunications, including, but not limited to, electronic
59 publishing. The term 'information service provider' shall not include a person that offers

60 any use of any such capability for the management, control, or operation of a
61 telecommunications system or the management of a telecommunications service.

62 (13) 'Law' means federal, state, or local law, statute, common law, code, rule, regulation,
63 order, or ordinance.

64 (14) 'Local governing authority' means a municipality or county that has adopted land
65 use or zoning regulations for all or the majority of land use within its jurisdiction or has
66 adopted separate regulations pertaining to the location, construction, collocation,
67 modification, or operation of wireless facilities.

68 (15) 'Micro wireless facility' means a small wireless facility not larger in dimension than
69 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior
70 antenna, if any, no longer than 11 inches.

71 (16) 'Permit' means a written authorization required by an authority to perform an action
72 or initiate, continue, or complete a project.

73 (17) 'Person' means an individual, corporation, limited liability company, partnership,
74 association, trust, or other entity or organization, including an authority.

75 (18) 'Rate' means a recurring charge.

76 (19) 'Right of way' means the area on, below, or above a public roadway, highway,
77 street, sidewalk, alley, utility easement, or similar property, not including a federal
78 interstate highway.

79 (20) 'Small wireless facility' means a wireless facility that meets the following
80 qualifications:

81 (A) Each antenna is located inside an enclosure of no more than six cubic feet in
82 volume or, in the case of an antenna that has exposed elements, the antenna and all of
83 its exposed elements could fit within an imaginary enclosure of no more than six cubic
84 feet; and

85 (B) All other wireless equipment associated with the facility is cumulatively no more
86 than 28 cubic feet in volume. The following types of associated ancillary equipment
87 shall not be included in the calculation of equipment volume: electric meters,
88 concealment elements, telecommunications demarcation boxes, ground based
89 enclosures, grounding equipment, power transfer switches, cut-off switches, and
90 vertical cable runs for the connection of power and other services.

91 (21) 'Substantial modification' means a proposed modification to an existing wireless
92 support structure or base station which will change the physical dimensions of the
93 wireless support structure or base station by installing new equipment cabinets for the
94 technology involved resulting in more than four cabinets total, by installing new
95 equipment cabinets on the ground if there are no preexisting ground cabinets associated

- 96 with the structure, or by installing ground cabinets that are more than 10 percent larger
97 in height or overall volume than any other ground cabinets associated with the structure.
98 (22) 'Telecommunications carrier' means a person that offers telecommunications service
99 for a fee directly to the public, or to such classes of users as to be effectively available
100 directly to the public, regardless of the facilities used.
- 101 (23) 'Utility pole' means a pole or similar structure that is used in whole or in part by a
102 communications service provider or for electric distribution, lighting, traffic control,
103 signage, or a similar function. The term 'utility pole' shall not include structures
104 supporting only wireless facilities.
- 105 (24) 'Utility pole for designated services' means a utility pole owned or operated in a
106 right of way by an authority, a public utility district, an electric membership corporation,
107 or a rural electric cooperative that is designed to, or used in whole or in part for the
108 purpose of, carrying electric distribution lines or cables or wires for telecommunications,
109 cable, or electric service.
- 110 (25) 'Wireless facility' means equipment at a fixed location that enables wireless
111 communications between user equipment and a communications network, including:
112 (A) Equipment associated with wireless communications; and
113 (B) Radio transceivers, antennas, coaxial or fiber optic cables, regular and backup
114 power supplies, and comparable equipment, regardless of technological configuration.
115 The term 'wireless facility' shall include small wireless facilities. Such term shall not
116 include the structure or improvements on, under, or within which the equipment is
117 collocated.
- 118 (26) 'Wireless infrastructure provider' means any person, including a person authorized
119 to provide telecommunications service in this state, that builds or installs wireless
120 communication transmission equipment, wireless facilities, or wireless support structures
121 but that is not a wireless services provider.
- 122 (27) 'Wireless provider' means a wireless infrastructure provider or a wireless services
123 provider.
- 124 (28) 'Wireless services' means any services provided, using a licensed or unlicensed
125 spectrum, whether at a fixed location or mobile, provided using wireless facilities.
- 126 (29) 'Wireless services provider' means a person that provides wireless services.
- 127 (30) 'Wireless support structure' means a freestanding structure, such as a monopole;
128 tower, either guyed or self-supporting; billboard; or other existing or proposed structure
129 designed to support or capable of supporting wireless facilities. Such term shall not
130 include a utility pole.

131 36-66C-2.

132 (a) The provisions of this Code section shall only apply to activities of a wireless provider
 133 within a right of way.

134 (b) An authority may not enter into an exclusive arrangement with any person for use of
 135 a right of way for the construction, operation, marketing, or maintenance of wireless
 136 facilities or wireless support structures or the collocation of small wireless facilities.

137 (c) An authority may only charge a wireless provider a rate or fee for the use of a right of
 138 way with respect to the construction, installation, mounting, maintenance, modification,
 139 operation, or replacement of a wireless facility or wireless support structure in the right of
 140 way, including collocation in such right of way, if the authority charges other
 141 communications service providers, or publicly, cooperatively, or municipally owned
 142 utilities for the use of a right of way. Unless otherwise required by federal law, an
 143 authority shall not impose any additional charge on a communications service provider that
 144 is already charged for use of the public right of way with respect to its placement or
 145 operation of strand-mounted micro wireless facilities in the right of way.

146 (d)(1) If an authority is authorized by applicable law to charge a rate or fee to other
 147 communications service providers, any such rate or fee for a wireless provider must be:

148 (A) Limited to no more than the direct and actual cost of managing a right of way; and

149 (B) Competitively neutral with regard to other users of the right of way, including
 150 investor, authority, or cooperatively owned entities.

151 (2) No rate or fee shall:

152 (A) Result in a double recovery where existing rates, fees, or taxes already recover the
 153 direct and actual costs of managing a right of way;

154 (B) Be in the form of a franchise or other fee based on revenue or customer counts;

155 (C) Be unreasonable or discriminatory;

156 (D) Violate any applicable law; or

157 (E) Exceed annually an amount equal to \$20.00 multiplied by the number of utility
 158 poles or wireless support structures in the authority's geographic jurisdiction on which
 159 the wireless provider has collocated a small wireless facility antenna.

160 (3) Notwithstanding the provisions of paragraphs (1) and (2) of this subsection, in
 161 recognition of the public benefits of the deployment of wireless services, an authority
 162 shall be permitted, on a nondiscriminatory basis, to refrain from charging any rate or fee
 163 to a wireless provider for the use of a right of way.

164 (e) Should an authority have an existing rate or fee to construct, install, mount, maintain,
 165 modify, operate, or replace a wireless facility or wireless support structure in a right of
 166 way, including collocation in such right of way, controlled by the authority and such rate
 167 or fee does not comply with the requirements of subsection (d) of this Code section, the

168 authority shall reset such rate or fee prior to January 1, 2018, in compliance with
169 subsection (d) of this Code section for all affected persons.

170 (f)(1) Subject to the provisions of this Code section and approval of an application, if
171 required, a wireless provider shall have the right, as a permitted use not subject to zoning
172 review or approval, to collocate wireless facilities and construct, modify, maintain, and
173 operate utility poles, wireless support structures, conduits, cables, and related
174 appurtenances and facilities along, across, upon, and under a right of way.

175 (2) The structures and facilities provided for in paragraph (1) of this subsection shall be
176 so constructed and maintained as not to obstruct or hinder the usual travel or public safety
177 on such right of way or obstruct the legal use of such right of way by other utilities. Each
178 new or modified utility pole and wireless support structure installed in the right of way
179 shall not exceed the greater of:

180 (A) Ten feet in height above the tallest existing utility pole in place as of
181 January 1, 2018, located within 500 feet of the new pole in the same right of way; or

182 (B) Fifty feet above ground level.

183 (3) New wireless facilities in a right of way may not extend:

184 (A) More than ten feet above any utility pole or wireless support structure in place as
185 of January 1, 2018; or

186 (B) Above the height permitted for a new utility pole or wireless support structure
187 under this Code section.

188 (4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection:

189 (A) Subject to this Code section and Code Section 36-66C-4, a wireless provider shall
190 have the right to collocate, construct, modify, and maintain a utility pole, wireless
191 support structure, or wireless facility that exceeds these size limits along, across, upon,
192 and under a right of way, subject to applicable zoning regulations; and

193 (B) Applicants shall comply with nondiscriminatory undergrounding requirements that
194 prohibit communications service providers from installing structures in a right of way
195 without prior zoning approval in areas zoned for single-family residential use, provided
196 that such requirements shall not prohibit the replacement of existing structures.

197 (g) The authority, in the exercise of its administration and regulation related to the
198 management of a right of way, must be competitively neutral with regard to other users of
199 the right of way, and terms may not be unreasonable or discriminatory and may not violate
200 any applicable law.

201 (h) The authority may require a wireless provider to repair all damage to a right of way
202 directly caused by the activities of a wireless provider, while occupying, installing,
203 repairing, or maintaining wireless facilities, wireless support structures, or utility poles in
204 the right of way, and to return the right of way to its functional equivalence before the

205 damage pursuant to the competitively neutral, reasonable requirements and specifications
206 of the authority. If the wireless provider fails to make the repairs required by the authority
207 within a reasonable time after written notice, the authority may effect those repairs and
208 charge the applicable party the reasonable, documented cost of such repairs.

209 36-66C-3.

210 (a) The provisions of this Code section shall apply to activities of the wireless provider
211 within or outside a right of way.

212 (b) Except as otherwise provided in this Code section and Code Sections 36-66C-2,
213 36-66C-4, and 36-66C-5, an authority may not prohibit, regulate, or charge for the
214 collocation of small wireless facilities.

215 (c) Small wireless facilities shall be classified as permitted uses and shall not be subject
216 to zoning review or approval if they are collocated in a right of way in any zone or outside
217 a right of way on any property not zoned exclusively for single-family residential use.

218 (d) An authority may require an applicant to obtain one or more permits to collocate a
219 small wireless facility, provided that such permits are of general applicability and do not
220 apply exclusively to wireless facilities. An authority shall receive applications for, process,
221 and issue such permits subject to the following requirements:

222 (1) An authority may not directly or indirectly require an applicant to perform services
223 unrelated to the collocation for which approval is sought, such as in-kind contributions
224 to the authority including reserving fiber, conduit, or pole space for the authority;

225 (2) An applicant shall not be required to provide more information to obtain a permit
226 than communications service providers that are not wireless providers;

227 (3) Within ten days of receiving an application, an authority must determine and notify
228 the applicant whether the application is complete. If an application is incomplete, the
229 authority must specifically identify the missing information;

230 (4) An application shall be processed on a nondiscriminatory basis and deemed approved
231 if the authority fails to approve or deny the application within 60 days;

232 (5) An authority shall approve an application unless it does not meet the applicable laws.
233 The authority must document the basis for a denial, including the specific provisions of
234 law on which the denial was based, and send the documentation to the applicant on or
235 before the day the authority denies an application. The applicant may cure the
236 deficiencies identified by the authority and resubmit the application within 30 days of the
237 denial without paying an additional application fee. The authority shall approve or deny
238 the revised application within 30 days. Any subsequent review shall be limited to the
239 deficiencies cited in the denial;

240 (6) An applicant seeking to collocate small wireless facilities within the jurisdiction of
 241 a single authority shall be allowed at the applicant's discretion to file a consolidated
 242 application and receive a single permit for the collocation of multiple small wireless
 243 facilities;

244 (7) Collocation for which a permit is granted shall commence within one year of
 245 approval and shall be pursued to completion. The authority shall not place any time
 246 limitations on a permit; provided, however, that an applicant may subsequently and
 247 voluntarily terminate a permit; and

248 (8) An authority may not institute, either expressly or de facto, a moratorium on:

249 (A) Filing, receiving, or processing applications; or

250 (B) Issuing permits or other approvals, if any, for the collocation of small wireless
 251 facilities.

252 (e) Application fees shall be subject to the following requirements:

253 (1) An authority may charge an application fee only if such fee is required for similar
 254 types of commercial development within the authority's jurisdiction;

255 (2) An authority shall only charge fees for the actual, direct, and reasonable costs
 256 incurred by the authority relating to the granting or processing of an application. Such
 257 fees shall be reasonably related in time to the incurring of such costs. Where such costs
 258 are already recovered by existing fees, rates, or taxes paid by a wireless provider, no
 259 application fee shall be assessed to recover such costs;

260 (3) A fee may not include:

261 (A) Travel expenses incurred by a third party in its review of an application; or

262 (B) Direct payment or reimbursement of third-party rates or fees charged on a
 263 contingency basis or a result based arrangement;

264 (4) In any controversy concerning the appropriateness of a fee, the authority shall have
 265 the burden of proving that the fee is reasonably related to the actual, direct, and
 266 reasonable costs incurred by the authority; and

267 (5) Total application fees, where permitted, shall not exceed the lesser of the amount
 268 charged by the authority for:

269 (A) A building permit for any similar commercial construction, activity, or land use
 270 development; or

271 (B) One hundred dollars each for up to five small wireless facilities addressed in an
 272 application and \$50.00 for each additional small wireless facility addressed in the
 273 application.

274 (f) An authority shall not require an application for routine maintenance or the replacement
 275 of wireless facilities with wireless facilities that are substantially similar in size or the same
 276 size or smaller; provided, however, that an authority may require a permit to work within

277 a right of way for such activities, if applicable. Any such permits shall be subject to the
278 requirements provided in subsections (c) and (d) of this Code section.

279 36-66C-4.

280 (a) The provisions of this Code section shall apply to zoning reviews for:

281 (1) Installation of a new wireless support structure;

282 (2) A substantial modification outside a right of way;

283 (3) A collocation that is subject to zoning review and approval and not a permitted use
284 under subsection (f) of Code Section 36-66C-2 or subsection (c) of Code
285 Section 36-66C-3;

286 (4) The modification of existing wireless support structures, utility poles, and wireless
287 facilities that are subject to zoning review and approval and not a permitted use under
288 subsection (f) of Code Section 36-66C-2 or subsection (c) of Code Section 36-66C-3; and

289 (5) Activities of a wireless provider within or outside a right of way.

290 (b) Authorities shall process applications within the following time frames:

291 (1) Within 30 days of receiving an application under this Code section, an authority shall
292 notify the applicant whether the application is complete, and if incomplete, the authority
293 shall specifically identify the missing information;

294 (2) An application under this Code section shall be processed on a nondiscriminatory
295 basis and deemed approved if the authority fails to approve or deny the application
296 within 150 calendar days of receipt of an application for installation of a new wireless
297 support structure or within 90 calendar days of receipt of an application for any activity
298 provided for in paragraphs (2) through (5) of subsection (a) of this Code section. The time
299 period for approval may be tolled to accommodate timely requests for information
300 required to complete the application or may be extended by mutual agreement between
301 the applicant and the authority; and

302 (3) A decision to deny an application pursuant to this Code section shall be in writing
303 and supported by substantial evidence contained in a written record and publicly released
304 contemporaneously. If an authority denies an application, there must be a reasonable
305 basis for the denial. An authority shall not deny an application if such denial is
306 discriminatory against the applicant with respect to the placement of the facilities of other
307 wireless providers.

308 (c) Application fees shall be subject to the same requirements as in subsection (e) of Code
309 Section 36-66C-3 and total application fees, where permitted, shall not exceed the lesser
310 of the amount charged by the authority for:

311 (1) A building permit for any similar commercial construction, activity, or land use
312 development; or

313 (2) One thousand dollars for a new wireless support structure or a substantial
 314 modification of a wireless support structure.

315 (d) An authority shall receive and process applications under this Code section subject to
 316 the following requirements:

317 (1) An applicant's business decision on the type and location of wireless facilities,
 318 wireless support structures, utility poles, or technology to be used shall be presumed
 319 reasonable. This presumption shall not apply with respect to the height of wireless
 320 facilities, wireless support structures, or utility poles. An authority may consider the
 321 height of such structures in its zoning review, provided that it may not unreasonably
 322 discriminate between the applicant and other communications service providers;

323 (2) An authority shall not require an applicant to submit information about an applicant's
 324 business decisions with respect to the need for the wireless support structure, utility pole,
 325 or wireless facilities;

326 (3) An authority shall not require an applicant to submit information about or evaluate
 327 an applicant's business decisions with respect to its service, customer demand for service,
 328 or quality of service;

329 (4) Any requirements regarding the appearance of facilities, including those relating to
 330 materials used for arranging, screening, or landscaping, must be reasonable;

331 (5) Any setback or fall zone requirements must be substantially similar to such a
 332 requirement that is imposed on other types of commercial structures of a similar height;

333 (6) An approval term of an application shall be without expiration, except that
 334 construction of the approved structure or facilities shall commence within two years of
 335 final approval, and be diligently pursued to completion; and

336 (7) An authority may not institute, either expressly or de facto, a moratorium on:

337 (A) Filing, receiving, or processing applications; or

338 (B) Issuing approvals for substantial modifications or installations that are not a
 339 permitted use.

340 36-66C-5.

341 (a) A person owning or controlling authority poles or utility poles for designated services
 342 may not enter into an exclusive arrangement with any person for the right to attach to such
 343 poles.

344 (b) The rates and fees for collocations on authority poles or utility poles for designated
 345 services shall be nondiscriminatory regardless of the services provided by the collocating
 346 wireless provider.

347 (c)(1) The rate to collocate on utility poles for designated services may not exceed the
 348 lesser of:

- 349 (A) Twenty dollars per year per utility pole; or
350 (B) The annual recurring rate permitted under rules and regulations adopted pursuant
351 to 47 U.S.C. Section 224(d) by the Federal Communications Commission, as such
352 existed on June 30, 2017.
- 353 (2) The rate to collocate on authority poles shall recover the actual, direct, and
354 reasonable costs related to the applicant's application for and use of space on the authority
355 pole. The total annual rate for collocations and any activities related to such collocations
356 shall not exceed the lesser of:
- 357 (A) The actual, direct, and reasonable costs related to the collocation on the pole; or
358 (B)(i) Twenty dollars per year per utility pole; or
359 (ii) The annual recurring rate permitted under rules and regulations adopted pursuant
360 to 47 U.S.C. Section 224(d) by the Federal Communications Commission, as such
361 existed on June 30, 2017.
- 362 (d) In any controversy concerning the appropriateness of a rate for an authority pole, the
363 authority shall have the burden of proving that the rates are reasonably related to the actual,
364 direct, and reasonable costs incurred for use of space on the pole for such period.
- 365 (e) Should a person owning or controlling authority poles or utility poles for designated
366 services have an existing pole attachment rate, fee, or other term that does not comply with
367 the requirements of this Code section, such person shall reform such rate, fee, or term in
368 compliance with this Code section by January 1, 2018.
- 369 (f) Persons owning or controlling authority poles and utility poles for designated services
370 shall offer rates, fees, and other terms that comply with subsections (b) through (e) of this
371 Code section. On and after January 1, 2018, a person owning or controlling authority poles
372 or utility poles for designated services shall make available the rates, fees, and terms for
373 the collocation of small wireless facilities on such poles that comply with the following:
- 374 (1) The rates, fees, and terms shall be nondiscriminatory, competitively neutral, and
375 commercially reasonable and shall comply with this chapter. Such rates, fees, and terms
376 shall be made publicly available so that a wireless provider may accept them without
377 negotiation. Documents reflecting the rates, fees, and terms entered into with each
378 wireless provider shall be made publicly available;
- 379 (2) For authority poles that support aerial cables used for the provision of services by
380 communications service providers or for electric service, and for utility poles for
381 designated services, the parties shall comply with all applicable federal laws and rules
382 and regulations promulgated thereunder as such existed on June 30, 2017, including, but
383 not limited to 47 U.S.C. Section 224. The good faith estimate of the person owning or
384 controlling the pole for any make-ready work necessary to enable the pole to support the
385 requested collocation shall include pole replacement if necessary;

386 (3) For authority poles that do not support aerial cables used for video, communications
 387 service, or electric service, the authority shall provide a good faith estimate for any
 388 make-ready work necessary to enable the pole to support the requested collocation,
 389 including pole replacement if necessary, within 60 days after receipt of a complete
 390 application. Make-ready work including any pole replacement shall be completed
 391 within 60 days of written acceptance of the good faith estimate by the applicant; and

392 (4) The person owning or controlling the authority pole or utility pole for designated
 393 services shall not require more make-ready work than required to meet applicable codes
 394 or industry standards. Fees for make ready work shall not include costs related to
 395 preexisting or prior damage or noncompliance. Fees for make-ready work including any
 396 pole replacement shall not exceed actual costs or the amount charged to other
 397 communications service providers for similar work and shall not include any consultants'
 398 fees or expenses.

399 (g) An authority shall authorize the collocation of small wireless facilities on wireless
 400 support structures and utility poles owned or controlled by an authority that are not located
 401 within the right of way to the same extent the authority permits access to such structures
 402 for other commercial projects or uses. Such collocations shall be subject to reasonable and
 403 nondiscriminatory rates, fees, and terms as provided in an agreement between the authority
 404 and the wireless provider.

405 36-66C-6.

406 (a) Subject to the provisions of this chapter and applicable federal law, an authority may
 407 continue to exercise zoning, land use, and planning within its territorial boundaries,
 408 including with respect to wireless support structures and utility poles, except that no
 409 authority shall have or exercise any jurisdiction or authority over the design, engineering,
 410 construction, installation, or operation of any small wireless facility located in an interior
 411 structure or upon the site of any campus, stadium, or athletic facility not otherwise owned
 412 or controlled by the authority, other than to comply with applicable codes.

413 (b) Nothing in this chapter shall authorize this state or any political subdivision thereof,
 414 including, but not limited to, an authority, to require wireless facility deployment or to
 415 regulate wireless services.

416 36-66C-7.

417 (a) The Public Service Commission shall have jurisdiction to determine all disputes arising
 418 under this chapter.

419 (b) Unless agreed otherwise and pending resolution of a right of way access rate dispute,
 420 the authority controlling access to and use of the right of way shall allow the placement of

421 a wireless facility or wireless support structure at a temporary rate of one-half of authority
422 proposed annual rates or \$20.00, whichever is less, with rates to be trued up upon final
423 resolution of the dispute.

424 (c) Pending resolution of a dispute concerning rates for collocation of small wireless
425 facilities on authority poles or utility poles for designated services, the person owning or
426 controlling the pole shall allow the collocating person to collocate on its poles at annual
427 rates of the lesser of:

428 (1) Twenty dollars per year per utility pole; or

429 (2) The annual recurring rate permitted under rules and regulations adopted pursuant to
430 47 U.S.C. Section 224(d) by the Federal Communications Commission, as such existed
431 on June 30, 2017.

432 Rates shall be trued up upon final resolution of the dispute.

433 (d) Complaints shall be resolved no later than 180 days after a complaint or petition is
434 filed.

435 36-66C-8.

436 An authority shall not require a communications service provider to indemnify and hold
437 the authority and its officers and employees harmless against any claims, lawsuits,
438 judgments, costs, liens, losses, expenses, or fees, except when a court of competent
439 jurisdiction has found that the negligence of the communications service provider while
440 installing, repairing, or maintaining caused the harm that created such claims, lawsuits,
441 judgments, costs, liens, losses, expenses, or fees, or to require a communications service
442 provider to obtain insurance naming the authority or its officers and employees an
443 additional insured against any of the foregoing."

444 **SECTION 3.**

445 This Act shall become effective on July 1, 2017.

446 **SECTION 4.**

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