

HOUSE BILL 2321

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 65,  
relative to electric cooperatives.

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

SECTION 1. Tennessee Code Annotated, Section 65-25-134(a)(2), is amended by deleting the subdivision and substituting:

(2)

(A) A cooperative may, acting through its board of directors, acquire, construct, own, improve, operate, lease, maintain, sell, mortgage, pledge, or otherwise dispose of a system, plant, or equipment for the provision of broadband internet access, internet protocol-based video, video programming, or related or similar services, or another like system, plant, or equipment within or without the service area of the cooperative in compliance with chapters 4 and 5 of this title and all other applicable state and federal laws, rules, and regulations, including, but not limited to, the requirement to obtain a franchise as set forth in § 7-59-304.

(B) Notwithstanding § 65-4-101(6)(A)(vi) or another provision of this code or of a private act to the contrary, if a cooperative provides a service authorized by this subdivision (a)(2), then the cooperative:

(i) Shall furnish the service on an area coverage basis, as defined in § 65-25-102, within the service area of the cooperative;

(ii) Is subject to regulation by the Tennessee public utility commission in the same manner and to the same extent as other

providers of broadband internet access, internet protocol-based video, video programming, or related or similar services, including, but not limited to, rules or orders governing anti-competitive practices; and

(iii) Is considered as, and has the duties of, a public utility, as defined in § 65-4-101, but only to the extent necessary to effect such regulation and only with respect to the cooperative's provision of the service authorized by this subdivision (a)(2).

(C) Prior to providing a service authorized by this subdivision (a)(2) outside the service area of its electric system, the cooperative shall obtain the written consent of each municipal electric system or electric cooperative system in whose service area the cooperative will provide the service.

SECTION 2. Tennessee Code Annotated, Section 65-25-134(e), is amended by deleting the subsection.

SECTION 3. Tennessee Code Annotated, Section 65-25-133, is amended by deleting the section.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.