

SENATE BILL 2562

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 7,
relative to expansion of broadband systems.

WHEREAS, the expansion of fiber optic facilities for economic development, education and health care projects should be encouraged; now, therefore:

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

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 52, Part 6, is amended by adding the following as a new appropriately designated section:

Section 7-52-6__

(a) As used in this section:

(1) "Community improvement area" means any area within the county in which the municipal electric system's or the governmental utility authority's principal office is located and within each county that is immediately adjacent to such county;

(2) "Economic development projects" includes commercial or industrial customers located within an established industrial park or within an agricultural processing, agricultural distribution or other commercial or industrial development situated on at least ten (10) acres, and shall also include customers located in subdivided residential developments who are not offered broadband services through fiber to their residences by any broadband service provider on the date that written consent is provided by the electric cooperative or municipal electric system in whose territory the subdivided residential development is located pursuant to subsection (c), and shall also include commercial or industrial customers that participate in or receive benefits or, within five (5) years prior to

the extension of fiber optic facilities, have participated in or received benefits under one or more programs of the department of economic and community development or any other state or federal sponsored or supported economic development program;

(3) "Education projects" means elementary, secondary and post-secondary schools, colleges and universities, the state technology centers and all related ancillary facilities;

(4) "Fiber optic facilities" means any system, plant or equipment used for the provision of broadband services that utilizes a fiber to premises or fiber to the curb architecture; and

(5) "Health care projects" includes hospitals and all related ancillary facilities.

(b) In addition to the authorization otherwise provided in § 7-52-601, and notwithstanding the requirement of § 7-52-602(4) for a two-thirds (2/3) majority vote of the chief legislative body of the municipality or a referendum, a municipal electric system or governmental utility authority shall also be authorized to construct, lease or otherwise operate fiber optic facilities to serve education, health care, and economic development projects located within its community improvement area and to thereafter use such facilities to provide cable, Internet, and other services to such locations pursuant to this part.

(c) Prior to providing any such services outside of its electric system service area, the system shall obtain the written consent of each electric cooperative or municipal electric system in whose territory the system will provide such services.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring

it.