SB56

168468-1

By Senator Whatley

RFD: Transportation and Energy

First Read: 02-FEB-16

PFD: 01/26/2016
SYNOPSIS: This bill would remove restrictions on the service area of a public provider that is a municipality or a municipal instrumentality. This bill would further allow the public provider to provide cable systems, telecommunications equipment and systems, furnish cable service, interactive computer service, Internet access, other Internet services, advanced telecommunications service, and other services, or any combination thereof without the restrictions as to coverage area.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 11-50B-3 of the Code of Alabama 1975, relating to public providers of municipal telecommunications services and other services; to remove
certain restrictions and further provide for the delivery of
services.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-50B-3 of the Code of Alabama
1975, is amended to read as follows:

"§11-50B-3.

"In addition to all other power, rights, and
authority heretofore granted by law, public providers may
acquire, establish, purchase, construct, maintain, enlarge,
extend, lease, improve, and operate cable systems,
telecommunications equipment and telecommunications systems,
and furnish cable service, interactive computer service,
Internet access, other Internet services, and advanced
telecommunications service, or any combination thereof, in the
case of a public provider that is a municipality, to the
inhabitants of the municipality and police jurisdiction, the
area within the territorial jurisdiction of the municipal
planning commission determined in accordance with the
provisions of Section 11-52-30, as amended, and any area in
which the municipality furnishes or sells any utility, such as
electricity, gas, water, or sewer, and in the case of a public
provider that is a municipal instrumentality, to the
inhabitants of the municipality in which the municipal
instrumentality was organized and the police jurisdiction of
this municipality, the area within the territorial
jurisdiction of the municipal planning commission of this
municipality determined in accordance with the provisions of
Section 11-52-30, as amended, and any area in which the
municipal instrumentality furnishes or sells any utility, such
as electricity, gas, water, or sewer. Nothing contained herein
shall authorize any public provider to provide
telecommunications service other than advanced
telecommunications service. Notwithstanding any other
provision of this chapter, however, public providers may, in
the case of a public provider that is a municipality, to the
inhabitants of the municipality and police jurisdiction, the
area within the territorial jurisdiction of the municipal
planning commission determined in accordance with the
provisions of Section 11-52-30, as amended, and any area in
which the municipality furnishes or sells any utility, such as
electricity, gas, water, or sewer, and in the case of a public
provider that is a municipal instrumentality, to the
inhabitants of the municipality in which the municipal
instrumentality was organized and the police jurisdiction of
this municipality, the area within the territorial
jurisdiction of the municipal planning commission of this
municipality determined in accordance with the provisions of
Section 11-52-30, as amended, and any area in which the
municipal instrumentality furnishes or sells any utility, such
as electricity, gas, water, or sewer, furnish to the public
directly, Internet access, other Internet services, meter
reading services, appliance, equipment, or facilities
monitoring, alarm monitoring service and other security
monitoring, surveillance or monitoring services, and billing
and financial services. Any public provider which engages in
the installation of alarm systems and any individuals who are
employed by the public provider and who engage in the
installation of alarm systems for customers of the public
provider must comply with the rules and regulations of the
Alabama Electronic Security Board of Licensure created
pursuant to the provisions of Section 34-1A-2, as amended, to
the same extent as a private installer of alarm systems for so
long as the same may apply to private installers of alarm
systems. In addition, the governing body of any municipality,
by ordinance to be entered on its minutes, and any other
public provider, by appropriate action of its governing body
to be entered on its minutes, also may lease to others any of
its cable system and telecommunications equipment not needed
for public or municipal purposes and may couple the lease with
the provision of cable service, interactive computer service,
Internet access, other Internet services, and
telecommunications service, or any combination thereof. A
lease made, in the case of a municipality, by the mayor in
accordance with the ordinance, or in the case of a municipal
instrumentality, by the duly authorized officer, officers, or
agents of the municipal instrumentality, shall be binding for
the term specified in the lease, not to exceed a period of 25
years. Any public provider that acquires a cable system,
telecommunications equipment, or telecommunications system for
purposes of furnishing to others cable service, interactive
computer service, Internet access, other Internet services,
and telecommunications service, or any combination thereof, shall provide, to any requesting telecommunications carrier or any electric cooperative exercising any power enumerated in Article 2 of Chapter 6, Title 37, as amended, or an affiliate of an electric cooperative, for the provision of a telecommunications service, nondiscriminatory access to any of the public provider's telecommunications equipment not needed for public or municipal purposes or used by the public provider in the provision of telecommunications service to others on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory. A public provider shall make available any of its telecommunications equipment not needed for public or municipal purposes or used by the public provider in the provision of telecommunications service to others on an unbundled basis to requesting telecommunications carriers and electric cooperatives exercising any power enumerated in Article 2 of Chapter 6, Title 37, as amended, or an affiliate of an electric cooperative, upon terms and conditions that are just, reasonable, and nondiscriminatory, provided the electric cooperative or affiliate of an electric cooperative makes available any of its telecommunications equipment not needed for its purposes to the public provider upon terms and conditions that are just, reasonable, and nondiscriminatory. Notwithstanding any other provision of this chapter, every public provider may acquire, establish, purchase, construct, maintain, enlarge, extend, lease, improve, and operate cable
systems, telecommunications equipment, and telecommunications systems, and may furnish cable service, interactive computer service, Internet access, other Internet services, and telecommunications service, or any combination thereof, for the use of the public provider, and in the case of a public provider that is a municipality, any department or agency of the municipality, any public corporation, board, or authority that is an agency, department, or instrumentality of the municipality, and any public school located within the corporate limits or police jurisdiction of the municipality; and in the case of a public provider that is a municipal instrumentality, any department or agency of the municipality in which the municipal instrumentality was organized, and any public school located within the corporate limits or police jurisdiction of the municipality in which the municipal instrumentality was organized. Nothing contained in this chapter shall affect the authority of the state or local governmental agencies to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.