

1 SB422
2 167482-1
3 By Senator Whatley
4 RFD: Transportation and Energy
5 First Read: 28-APR-15

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8 SYNOPSIS: This bill would relate to municipal
9 telecommunications services and would extend the
10 coverage area to any county which contains any
11 portion of the municipality and police
12 jurisdiction, any county which contains any portion
13 of the territorial jurisdiction of the municipal
14 planning commission, and any county in which the
15 municipality furnishes or sells any utilities.

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17 A BILL
18 TO BE ENTITLED
19 AN ACT

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21 To amend Section 11-50B-3 of the Code of Alabama
22 1975, relating to public providers of municipal
23 telecommunications services; to further extend the coverage
24 area.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 11-50B-3 of the Code of Alabama
27 1975, is amended to read as follows:

1 "§11-50B-3.

2 "In addition to all other power, rights, and
3 authority heretofore granted by law, public providers may
4 acquire, establish, purchase, construct, maintain, enlarge,
5 extend, lease, improve, and operate cable systems,
6 telecommunications equipment and telecommunications systems,
7 and furnish cable service, interactive computer service,
8 Internet access, other Internet services, and advanced
9 telecommunications service, or any combination thereof, in the
10 case of a public provider that is a municipality, to the
11 inhabitants of any county which contains any portion of the
12 municipality and police jurisdiction, ~~the area within any~~
13 county which contains any portion of the territorial
14 jurisdiction of the municipal planning commission determined
15 in accordance with the provisions of Section 11-52-30, as
16 amended, and any ~~area~~ county in which the municipality
17 furnishes or sells any utility, such as electricity, gas,
18 water, or sewer, and in the case of a public provider that is
19 a municipal instrumentality, to the inhabitants of any county
20 which contains any portion of the municipality in which the
21 municipal instrumentality was organized ~~and~~ or the police
22 jurisdiction of this municipality, ~~the area within any county~~
23 which contains any portion of the territorial jurisdiction of
24 the municipal planning commission of this municipality
25 determined in accordance with the provisions of Section
26 11-52-30, as amended, and any ~~area~~ county in which the
27 municipal instrumentality furnishes or sells any utility, such

1 as electricity, gas, water, or sewer. Nothing contained herein
2 shall authorize any public provider to provide
3 telecommunications service other than advanced
4 telecommunications service. Notwithstanding any other
5 provision of this chapter, however, public providers may, in
6 the case of a public provider that is a municipality, to the
7 inhabitants of any county which contains any portion of the
8 municipality and police jurisdiction, ~~the area within any~~
9 county which contains any portion of the territorial
10 jurisdiction of the municipal planning commission determined
11 in accordance with the provisions of Section 11-52-30, as
12 amended, and any ~~area~~ county in which the municipality
13 furnishes or sells any utility, such as electricity, gas,
14 water, or sewer, and in the case of a public provider that is
15 a municipal instrumentality, to the inhabitants of any county
16 which contains any portion of the municipality in which the
17 municipal instrumentality was organized ~~and~~ or the police
18 jurisdiction of this municipality, ~~the area within any county~~
19 which contains any portion of the territorial jurisdiction of
20 the municipal planning commission of this municipality
21 determined in accordance with the provisions of Section
22 11-52-30, as amended, and any ~~area~~ county in which the
23 municipal instrumentality furnishes or sells any utility, such
24 as electricity, gas, water, or sewer, furnish to the public
25 directly, Internet access, other Internet services, meter
26 reading services, appliance, equipment, or facilities
27 monitoring, alarm monitoring service and other security

1 monitoring, surveillance or monitoring services, and billing
2 and financial services. Any public provider which engages in
3 the installation of alarm systems and any individuals who are
4 employed by the public provider and who engage in the
5 installation of alarm systems for customers of the public
6 provider must comply with the rules and regulations of the
7 Alabama Electronic Security Board of Licensure created
8 pursuant to the provisions of Section 34-1A-2, as amended, to
9 the same extent as a private installer of alarm systems for so
10 long as the same may apply to private installers of alarm
11 systems. In addition, the governing body of any municipality,
12 by ordinance to be entered on its minutes, and any other
13 public provider, by appropriate action of its governing body
14 to be entered on its minutes, also may lease to others any of
15 its cable system and telecommunications equipment not needed
16 for public or municipal purposes and may couple the lease with
17 the provision of cable service, interactive computer service,
18 Internet access, other Internet services, and
19 telecommunications service, or any combination thereof. A
20 lease made, in the case of a municipality, by the mayor in
21 accordance with the ordinance, or in the case of a municipal
22 instrumentality, by the duly authorized officer, officers, or
23 agents of the municipal instrumentality, shall be binding for
24 the term specified in the lease, not to exceed a period of 25
25 years. Any public provider that acquires a cable system,
26 telecommunications equipment, or telecommunications system for
27 purposes of furnishing to others cable service, interactive

1 computer service, Internet access, other Internet services,
2 and telecommunications service, or any combination thereof,
3 shall provide, to any requesting telecommunications carrier or
4 any electric cooperative exercising any power enumerated in
5 Article 2 of Chapter 6, Title 37, as amended, or an affiliate
6 of an electric cooperative, for the provision of a
7 telecommunications service, nondiscriminatory access to any of
8 the public provider's telecommunications equipment not needed
9 for public or municipal purposes or used by the public
10 provider in the provision of telecommunications service to
11 others on an unbundled basis at any technically feasible point
12 on rates, terms, and conditions that are just, reasonable, and
13 nondiscriminatory. A public provider shall make available any
14 of its telecommunications equipment not needed for public or
15 municipal purposes or used by the public provider in the
16 provision of telecommunications service to others on an
17 unbundled basis to requesting telecommunications carriers and
18 electric cooperatives exercising any power enumerated in
19 Article 2 of Chapter 6, Title 37, as amended, or an affiliate
20 of an electric cooperative, upon terms and conditions that are
21 just, reasonable, and nondiscriminatory, provided the electric
22 cooperative or affiliate of an electric cooperative makes
23 available any of its telecommunications equipment not needed
24 for its purposes to the public provider upon terms and
25 conditions that are just, reasonable, and nondiscriminatory.
26 Notwithstanding any other provision of this chapter, every
27 public provider may acquire, establish, purchase, construct,

1 maintain, enlarge, extend, lease, improve, and operate cable
2 systems, telecommunications equipment, and telecommunications
3 systems, and may furnish cable service, interactive computer
4 service, Internet access, other Internet services, and
5 telecommunications service, or any combination thereof, for
6 the use of the public provider, and in the case of a public
7 provider that is a municipality, any department or agency of
8 the municipality, any public corporation, board, or authority
9 that is an agency, department, or instrumentality of the
10 municipality, and any public school located within the
11 corporate limits or police jurisdiction of the municipality;
12 and in the case of a public provider that is a municipal
13 instrumentality, any department or agency of the municipality
14 in which the municipal instrumentality was organized, and any
15 public school located within the corporate limits or police
16 jurisdiction of the municipality in which the municipal
17 instrumentality was organized. Nothing contained in this
18 chapter shall affect the authority of the state or local
19 governmental agencies to manage the public rights-of-way or to
20 require fair and reasonable compensation from
21 telecommunications providers, on a competitively neutral and
22 nondiscriminatory basis, for use of public rights-of-way."

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