

1 SB438
2 168468-1
3 By Senator Whatley
4 RFD: Transportation and Energy
5 First Read: 30-APR-15

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8 SYNOPSIS: This bill would remove restrictions on the
9 service area of a public provider that is a
10 municipality or a municipal instrumentality.

11 This bill would further allow the public
12 provider to provide cable systems,
13 telecommunications equipment and systems, furnish
14 cable service, interactive computer service,
15 Internet access, other Internet services, advanced
16 telecommunications service, and other services, or
17 any combination thereof without the restrictions as
18 to coverage area.

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

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24 To amend Section 11-50B-3 of the Code of Alabama
25 1975, relating to public providers of municipal
26 telecommunications services and other services; to remove

1 certain restrictions and further provide for the delivery of
2 services.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 11-50B-3 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§11-50B-3.

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

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

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

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

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

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