

HB0999/693896/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 999
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 22, after “service;” insert “prohibiting a member–regulated cooperative from denying access to certain facilities subject to a certain exception; requiring a member–regulated cooperative to charge a reasonable rate for access to certain facilities subject to a certain prohibition; authorizing certain entities to file a complaint with the Commission regarding certain rates, terms, and conditions; requiring that the Commission hear and resolve a certain complaint in a certain manner;”; and in line 28, after “changes;” insert “declaring the intent of the General Assembly;”.

On page 2, in line 5, strike “5–645” and substitute “5–646”; in the same line, strike “5–652” and substitute “5–653”; in line 21, strike “5–642” and substitute “5–643”; and in line 27, strike “5–646(b)” and substitute “5–647(b)”.

AMENDMENT NO. 2

On page 3, in line 24, strike “5–645” and substitute “5–646”; and in the same line, strike “5–652” and substitute “5–653”.

On page 9, after line 6, insert:

“(A) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER–REGULATED COOPERATIVE MAY NOT PROHIBIT A TELECOMMUNICATIONS OR CABLE SERVICE PROVIDER FROM ACCESSING A POLE, DUCT, CONDUIT, RIGHT–OF–WAY, OR SIMILAR FACILITY OWNED OR CONTROLLED, IN WHOLE OR IN PART, BY THE MEMBER–REGULATED COOPERATIVE.”

(Over)

(2) A MEMBER-REGULATED COOPERATIVE MAY DENY ACCESS TO A FACILITY SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) ON A NONDISCRIMINATORY BASIS; AND

(II) IF THE MEMBER-REGULATED COOPERATIVE DETERMINES THAT:

1. THE FACILITY DOES NOT HAVE SUFFICIENT CAPACITY TO ALLOW ACCESS; OR

2. ALLOWING ACCESS WOULD CREATE SAFETY, RELIABILITY, OR ENGINEERING CONCERNS.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER-REGULATED COOPERATIVE SHALL CHARGE A REASONABLE RATE FOR ACCESS TO A FACILITY SPECIFIED UNDER SUBSECTION (A)(1) OF THIS SECTION.

(2) A MEMBER-REGULATED COOPERATIVE MAY NOT CHARGE A RATE FOR ACCESS TO A FACILITY SPECIFIED UNDER SUBSECTION (A)(1) OF THIS SECTION THAT IS MORE THAN THE RATES CHARGED FOR ACCESS BY A LOCAL EXCHANGE CARRIER, ELECTRIC COMPANY, WATER COMPANY, OR OTHER UTILITY OPERATING IN THE MEMBER-REGULATED COOPERATIVE'S SERVICE AREA.

(3) (I) A CABLE OPERATOR, TELECOMMUNICATIONS CARRIER, OR OTHER ENTITY AUTHORIZED TO ACCESS A FACILITY SPECIFIED UNDER SUBSECTION (A)(1) OF THIS SECTION BY A MEMBER-REGULATED COOPERATIVE MAY FILE A COMPLAINT WITH THE COMMISSION REGARDING THE MEMBER-REGULATED COOPERATIVE'S RATES, TERMS, AND CONDITIONS FOR ACCESS.

(II) THE COMMISSION SHALL HEAR AND RESOLVE A COMPLAINT FILED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN ACCORDANCE WITH 47 U.S.C. § 224 AND 47 C.F.R. §§ 1.1401 THROUGH 1.1415, INCLUSIVE.

5-642.

On page 9 in line 26, and on page 10 in lines 1 and 2, strike “5-642.”, “5-643.”, and “5-644.”, respectively, and substitute “5-643.”, “5-644.”, and “5-645.”, respectively.

On page 10, in line 4, strike “§ 5-647” and substitute “§ 5-648”; and in line 3, strike “5-646.” and substitute “5-647.”.

AMENDMENT NO. 3

On page 10, after line 7, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, during the 2028 legislative session, the General Assembly shall deliberate and determine whether the provisions of this Act shall be terminated and of no further force and effect. If the General Assembly does not take any action to terminate this Act, the provisions of this Act shall continue to be in full force and effect.”;

and in line 8, strike “3.” and substitute “4.”.