

AMENDMENTS TO HOUSE BILL NO. 2438

Sponsor: SENATOR PITTMAN

Printer's No. 3848

1 Amend Bill, page 2, line 28, by striking out "video
2 services,"

3 Amend Bill, page 2, line 29, by striking out ", wireless
4 services"

5 Amend Bill, page 4, line 12, by inserting after "PROVIDE"
6 retail

7 Amend Bill, page 4, line 12, by inserting after "SERVICES"
8 , through an affiliate,

9 Amend Bill, page 4, line 20, by inserting after "SERVICES."

10 Nothing in this paragraph shall limit, amend, supersede
11 or otherwise alter the rates, terms and conditions
12 established under existing written attachment agreements for
13 the term of such agreements except as provided under
14 subparagraph (iii). The following shall apply:

15 (i) Except as provided under subparagraph (ii), an
16 electric cooperative corporation shall provide written
17 notice, by first class mail, to any broadband service
18 supplier with which it has an existing written agreement
19 governing the broadband service supplier's attachments to
20 electric infrastructure owned or controlled by the
21 electric cooperative corporation, within 90 days of the
22 date on which an electric cooperative corporation's
23 affiliate begins offering retail broadband services over
24 broadband facilities.

25 (ii) An electric cooperative corporation that is
26 providing retail broadband service through an affiliate
27 as of the effective date of this section shall not be
28 required to send the notice required under subsection
29 (i).

30 (iii) For a period of five years from receipt of the
31 notice required under subparagraph (i), or from the
32 effective date of this section if subparagraph (ii)

applies, a broadband service supplier that has existing written attachment agreement with the electric cooperative corporation shall have the right to attach to the poles of that electric cooperative corporation at rates that shall not exceed the then-effective rates in the existing agreement, subject to permissible periodic rate adjustments provided in the existing agreement.

(5) An electric cooperative corporation may not do any of the following:

(i) require a person to purchase broadband services from an affiliate of the electric cooperative corporation as a condition of receiving or continuing to receive electric energy from the electric cooperative corporation; or

(ii) disconnect, or threaten to disconnect, electric service to a customer due to the customer's failure to pay for broadband services provided to the customer by the electric cooperative corporation or an affiliate.

Amend Bill, page 4, by inserting between lines 25 and 26

(c) Cross-Subsidization.--The following shall apply:

(1) An electric cooperative corporation that supplies retail broadband services through an affiliate shall ensure that the rates charged for the provision of electric service do not include any of its affiliate's retail broadband service costs and shall not use its electric service revenues to subsidize the provision of retail broadband services to the public by an affiliate.

(2) An electric cooperative corporation may make capital investments in an affiliate, make loans for the benefit of an affiliate, enter into capital or operating leases with the affiliate, and enter into guarantees or other security arrangements for the benefit of the affiliate, all of which may be in amounts, on terms and subject to conditions as the electric cooperative corporation's board of directors approves and determines to be prudent or appropriate.

Amend Bill, page 4, line 26, by striking out "(C)" and inserting

(d)

Amend Bill, page 5, line 1, by striking out the period after "SERVICES" and inserting

or to negotiate separate terms or agreements for attachments to electric infrastructure, owned or controlled by an electric cooperative corporation.