INTRODUCED BY PITTMAN, BROOKS, STREET, PHILLIPS-HILL, BARTOLOTTA, SCHWANK, HUTCHINSON, BLAKE, MENSCCH, J. WARD, SCARNATI, LAUGHLIN, YAW, SCAVELLO, STEFANO, AUMENT AND BAKER, APRIL 30, 2020

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, APRIL 30, 2020

AN ACT

Amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, providing for broadband services.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 68 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 82

BROADBAND SERVICES

Sec.

8201. Definitions.

8202. Broadband services.

§ 8201. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Broadband facilities." Wires, cables, materials, equipment
and other facilities, which are or can be used for the provision of broadband services.

"Broadband services." As follows:

(1) Service that consists of or includes the provision of broadband that:

(i) is used to provide access to the Internet; or

(ii) provides computer processing, information storage, information content or protocol conversion.

(2) The term includes the provision of video services, voice over Internet protocol services, wireless services and Internet protocol-enabled services.

"Broadband service supplier." An electricity, telecommunications or Internet supplier or affiliate that constructs, owns or installs new broadband facilities to provide broadband services, at wholesale or retail, through existing electric infrastructure within an easement. The term includes third parties with which the electricity supplier contracts, licenses or otherwise enters into agreements with for the installation, service or maintenance of broadband infrastructure and provision of broadband services on behalf of the electricity supplier or affiliate.

"Easement." A recorded or unrecorded right-of-way, easement or similar property right acquired by eminent domain, prescription or conveyance that is used or may be used for transmitting, distributing or providing electric service by utilizing electric infrastructure.

"Electric cooperative corporation." As defined in 15 Pa.C.S. § 7302(a) (relating to application of chapter).

"Electricity supplier." A person engaged in providing electricity, at wholesale or retail, including a public utility,
municipal corporation or authority or an electric cooperative corporation.

§ 8202. Broadband services.

(a) Broadband facilities.--The following apply:

(1) An electric cooperative corporation or an affiliate of an electric cooperative corporation may provide broadband services or construct, operate and maintain broadband facilities through an existing easement owned, held or used by the electric cooperative corporation.

(2) Except as provided for under subsection (b), the attachment of broadband facilities shall not constitute a change to the physical use of the easement, interfere with or impair any vested rights of the property owner subject to the easement or place an additional burden on the property or interests of the owner.

(3) A broadband service supplier that is not an electric cooperative corporation may access and attach broadband facilities within an electric cooperative's easement:

   (i) if an electric cooperative or its affiliates have attached broadband facilities to provide retail or wholesale broadband services; and

   (ii) subject to the terms of applicable safety standards, the structural integrity of the electric infrastructure and the electric cooperative corporation's rules and fees for the attachments.

(b) Exception.--Subsection (a)(2) shall not apply to the attachment of broadband facilities that are additional freestanding or ground-based structures within the easement.

Section 2. This act shall take effect in 60 days.