
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2438 Session of
2020

INTRODUCED BY OWLETT, CAUSER, PICKETT, RYAN, KULIK, SCHLEGEL
CULVER, DONATUCCI, CONKLIN, READSHAW, KAUFER, BOBACK, KEEFER,
HERSHEY, PASHINSKI, NEILSON, MILLARD, BURGOS, STRUZZI, PYLE,
BERNSTINE, IRVIN, LONGIETTI, KAUFFMAN, GLEIM, ZIMMERMAN AND
WHEELAND, APRIL 27, 2020

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 27, 2020

AN ACT

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

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

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

8 CHAPTER 82

9 BROADBAND SERVICES

10 Sec.

11 8201. Definitions.

12 8202. Broadband services.

13 § 8201. Definitions.

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

17 "Broadband facilities." Wires, cables, materials, equipment

1 and other facilities, which are or can be used for the provision
2 of broadband services.

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

13 "Broadband services." As follows:

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

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

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

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

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

27 "Electric cooperative corporation." As defined in 15 Pa.C.S.
28 § 7302(a) (relating to application of chapter).

29 "Electricity supplier." A person engaged in providing
30 electricity, at wholesale or retail, including a public utility,

1 municipal corporation or authority or an electric cooperative
2 corporation.

3 § 8202. Broadband services.

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

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

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

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

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

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

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

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