

Senate Bill 17

By: Senators Gooch of the 51st, Wilkinson of the 50th, Harper of the 7th, Hill of the 4th, Kirk of the 13th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
2 public transportation, so as to specifically authorize telephone cooperatives and their
3 broadband affiliates to provide broadband services; to provide for definitions; to authorize
4 certain financing and partnerships for the provision of broadband services; to provide for
5 related matters; to provide for an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
10 transportation, is amended by revising Code Section 46-5-61, relating to declaration of
11 purpose related to the "Rural Telephone Cooperative Act," as follows:

12 "46-5-61.

13 Cooperative nonprofit corporations may be organized under this part for the purpose of
14 furnishing telephone service in rural areas to the widest practicable number of users of such
15 service. In addition to furnishing telephone service, such cooperative nonprofit
16 corporations may also furnish broadband services directly or indirectly through a
17 contractual arrangement or through a broadband affiliate."

18 **SECTION 2.**

19 Said title is further amended in Code Section 46-5-62, relating to definitions relative to the
20 "Rural Telephone Cooperative Act," by adding two new paragraphs to read as follows:

21 "(1) 'Broadband affiliate' means any person which directly or indirectly controls, is
22 controlled by, or is under common control of one or more cooperatives and which is used
23 to provide broadband services.

24 (2) 'Broadband services' means a wired or wireless service that consists of the capability
25 to transmit data to and from end users and in combination with such service provides:

26 (A) Access to the internet; or

27 (B) Computer processing, information storage, or protocol conversion.

28 Such term shall include any facilities and equipment associated with such a service and
 29 any application or information content to be provided over such a service."

30 **SECTION 3.**

31 Said title is further amended in Code Section 46-5-63, relating to powers of cooperatives
 32 generally, by adding three new paragraphs to read as follows:

33 "(4.1) To furnish, improve, and expand broadband services. Such broadband services
 34 may be furnished separately from telephone service or in conjunction with telephone
 35 service and may be furnished in areas that are the same or in areas that are different from
 36 those to which the cooperative furnishes telephone service; provided, however, that none
 37 of the costs of providing broadband services shall be eligible for recovery from the
 38 Universal Access Fund provided for in Code Section 46-5-167;

39 (4.2) To apply for, accept, repay, and utilize loans, grants, and other financing from any
 40 person or from the federal government or any state, or any department or agency thereof,
 41 to assist such cooperative or its broadband affiliate in the planning, engineering,
 42 construction, extension, provision, operation, repair, and maintenance of broadband
 43 services; and

44 (4.3) To enter into contracts, agreements, partnerships, or other types of business
 45 relationships with any person or with the federal government or any state, or any
 46 department or agency thereof, to assist such cooperative or its broadband affiliate in the
 47 planning, engineering, construction, extension, provision, operation, repair, and
 48 maintenance of broadband services;"

49 **SECTION 4.**

50 This Act shall become effective upon its approval by the Governor or upon its becoming law
 51 without such approval.

52 **SECTION 5.**

53 All laws and parts of laws in conflict with this Act are repealed.