

By: Representative Lancaster

To: Local and Private  
Legislation

HOUSE BILL NO. 1675

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF  
2 OKOLONA, MISSISSIPPI, TO UTILIZE ITS ELECTRIC POWER DELIVERY  
3 SYSTEM IN CHICKASAW, MONROE, LEE AND CLAY COUNTIES, MISSISSIPPI,  
4 TO PROVIDE BROADBAND SERVICE TO ITS CUSTOMERS; AND FOR RELATED  
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** As used in this act, the following terms shall  
8 have the following meanings unless the context clearly indicates  
9 otherwise:

10 (a) "Broadband affiliate" or "affiliate" means any  
11 entity that is (i) wholly or partially owned by the City of  
12 Okolona, and (ii) formed to own or operate a broadband system or  
13 provide broadband services.

14 (b) "Broadband service provider" means an entity that  
15 provides broadband services to others on a wholesale basis or to  
16 end-use customers on a retail basis.

17 (c) "Broadband operator" means a broadband service  
18 provider that owns or operates a broadband system on the City of  
19 Okolona's electric delivery system with the city's consent.



20 (d) "Broadband services" means any service that  
21 consists of or includes the provision of or connectivity to a  
22 high-speed, high-capacity transmission medium that can carry  
23 signals from or to multiple sources and that either: (i) is used  
24 to provide access to the Internet, or (ii) provides computer  
25 processing, information storage, information content or protocol  
26 conversion, including any service applications or information  
27 service provided over such high-speed access service. As used  
28 herein, "broadband services" also includes video services, voice  
29 over Internet protocol services, any wireless services, and  
30 Internet protocol enabled services.

31 (e) "Broadband system" means the fiber, cables,  
32 materials, equipment and other facilities that are used or useful  
33 for the provision of broadband services.

34 (f) "Electric delivery system" means the poles, lines,  
35 fiber, cables, broadband system, materials, equipment, easements  
36 and other facilities or properties used by the City of Okolona to  
37 deliver or facilitate the delivery, sale or use of electric  
38 energy.

39 (g) "Internet protocol-enabled services" means any  
40 service, capability, functionality or application provided using  
41 Internet protocol, or any successor protocol, that enables an end  
42 user to send or receive a communication in Internet protocol  
43 format, or any successor format, regardless of whether the  
44 communications is voice, data or video.



45 (h) "Landowner" includes any person or entity holding  
46 an interest in real property.

47 (i) "Video services" means video programming services  
48 without regard to delivery technology, including Internet protocol  
49 technology ("Internet Protocol television or IPTV") and video  
50 programming provided as a part of a service that enables users to  
51 access content, information, email or other services offered over  
52 the public Internet. The term "video programming" means any  
53 programming generally considered comparable to programming  
54 provided by a television broadcast station or others.

55 (j) "Voice over Internet protocol services" means any  
56 service that: (i) enables real-time, two-way voice communications  
57 that originate from or terminate to the user's location in  
58 Internet protocol or any successor protocol; (ii) uses a broadband  
59 connection from the user's location; and (iii) permits users  
60 generally to receive calls that originate on the public switched  
61 telephone network and to terminate calls to the public switched  
62 telephone network.

63 **SECTION 2.** (1) The governing authorities of the City of  
64 Okolona is authorized to establish, acquire, and wholly or  
65 partially own one or more broadband affiliates.

66 (2) The governing authorities of the city may allow its  
67 broadband affiliate(s) or an unaffiliated broadband operator to  
68 own, lease, construct, maintain and operate a broadband system on  
69 the City of Okolona's electric delivery system and to provide



70 broadband services to the public utilizing the City of Okolona's  
71 broadband system or other parts of its electric delivery system.

72 (3) The governing authorities of the city may determine, in  
73 its sole discretion, which broadband operators, if any, may have  
74 access to broadband capacity on the City of Okolona's broadband  
75 system, and it shall be lawful for the City of Okolona to provide  
76 an affiliate or other broadband operator exclusive access to  
77 broadband capacity on the City of Okolona's broadband system.

78 (4) (a) The governing authorities of the city may charge an  
79 affiliate or an unaffiliated broadband operator for the  
80 construction, installation, operation, use, and maintenance of  
81 those parts of its electric delivery system that are used or may  
82 be reserved for use by the affiliate or unaffiliated broadband  
83 operator for the provision of broadband services. Any lease of  
84 facilities by the City of Okolona to a broadband affiliate that  
85 includes the use of City of Okolona's poles shall specifically  
86 include pole attachment fees to be paid by the broadband affiliate  
87 to the City of Okolona equal to pole attachment fees charged by  
88 the City of Okolona to like unaffiliated, private entities.

89 (b) The governing authorities of the City of Okolona  
90 shall not:

91 (i) Charge an affiliate under this act an amount  
92 less than the electric cooperative charges an unaffiliated entity  
93 for the same item or class of items; or



94 (ii) Pay an affiliate under this act an amount  
95 more than the affiliate charges an unaffiliated entity for the  
96 same item or class of items.

97 (5) The governing authorities of the city shall not use its  
98 electric energy sales revenues to subsidize the provision by an  
99 affiliate or unaffiliated broadband operator of broadband services  
100 to the public. The governing authorities of the city may,  
101 however, make capital investments in an affiliate, make loans to  
102 an affiliate at fair market rate, and enter loan guarantees for  
103 the benefit of an affiliate, all of which may be in such amounts  
104 and on such terms as the City of Okolona determines to be prudent  
105 and authorizes.

106 (6) Before broadband services may be offered under this act,  
107 the City of Okolona must, by resolution of the board of aldermen  
108 and spread upon its minutes, have an economic feasibility study  
109 conducted and adopt a plan that will provide service to its entire  
110 certificated area. Such feasibility study shall be made available  
111 to the City of Okolona's electric customers upon request.

112 **SECTION 3.** (1) The governing authorities of the city shall  
113 not allow the installation or operation of a broadband system on  
114 its electric delivery system by an affiliate or other broadband  
115 operator to diminish the reliability of the electric delivery  
116 system.

117 (2) The governing authorities of the city shall not require  
118 any person to purchase broadband services from an affiliate or



119 other broadband operator as a condition of receiving or continuing  
120 to receive electric energy from the City of Okolona.

121 (3) The governing authorities of the city shall not  
122 disconnect, nor threaten to disconnect, its electric service to  
123 any customer due to the customer's failure to pay for broadband  
124 services provided to the customer by an affiliate or other  
125 broadband operator.

126 **SECTION 4.** (1) The governing authorities of the city may  
127 grant permission to an affiliate or other broadband operator to  
128 use the electric delivery system of the City of Okolona to provide  
129 broadband services. The use of the City of Okolona's electric  
130 delivery system for the provision of broadband services by the  
131 affiliate or other broadband operator shall not be considered an  
132 additional burden on the real property upon which the City of  
133 Okolona's electric delivery system is located and shall not  
134 require the affiliate or other broadband operator to obtain the  
135 consent of anyone having an interest in the real property upon  
136 which the City of Okolona's electric delivery system is located.

137 **SECTION 5.** This act is to be liberally construed, and the  
138 enumeration of any object, power, manner, method or thing shall  
139 not be deemed to exclude like or similar objects, purposes,  
140 powers, manners, methods or things. Nothing in this act shall be  
141 interpreted or construed to infringe upon nor otherwise encumber  
142 the property or property interests used by any investor-owned



143 electric public utility to provide electric service to its  
144 customers.

145           **SECTION 6.** This act shall take effect and be in force from  
146 and after its passage.

