

By: Representatives Bounds, Gibbs (72nd),
Stamps

To: Public Utilities

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 942

1 AN ACT TO AMEND SECTION 77-3-2, MISSISSIPPI CODE OF 1972, TO
2 DECLARE THAT IT IS THE POLICY OF THE STATE OF MISSISSIPPI TO
3 SUPPORT DEPLOYMENT OF EXISTING AND EMERGING TECHNOLOGIES TO FOSTER
4 RELIABLE AND RESILIENT SERVICE AND CUSTOMER ACCESS TO ENHANCED
5 SERVICES; TO PROVIDE THAT THE PUBLIC SERVICE COMMISSION IS
6 AUTHORIZED AND EMPOWERED TO ENTER INTO CONTRACTS WITH FEDERAL
7 AGENCIES, INCLUDING, BUT NOT LIMITED TO, THE UNITED STATES
8 DEPARTMENT OF COMMERCE, THE FEDERAL COMMUNICATIONS COMMISSION AND
9 THE NATIONAL TELECOMMUNICATIONS INFORMATION AGENCY, OR STATE
10 AGENCIES, FOR THE PURPOSES ONLY OF PROVIDING SERVICES FOR THE
11 COLLECTION OF DATA FOR MAPPING OF BROADBAND AVAILABILITY; TO AMEND
12 SECTION 77-3-3, MISSISSIPPI CODE OF 1972, TO INCLUDE DEFINITIONS
13 OF "BROADBAND SERVICE PROVIDER," "BROADBAND OPERATOR," "ELECTRIC
14 DELIVERY SYSTEM" AND "ENHANCED GRID INVESTMENTS"; TO AMEND SECTION
15 77-3-44, MISSISSIPPI CODE OF 1972, TO INCLUDE FIBER-OPTIC
16 INFRASTRUCTURE AND ENHANCED GRID INVESTMENTS AS AN ECONOMIC
17 DEVELOPMENT ACTIVITY, TO ALLOW RATE-REGULATED ELECTRIC UTILITIES
18 TO PERMIT BROADBAND PROVIDERS USE OF THE ELECTRIC DELIVERY SYSTEM
19 TO PROVIDE BROADBAND SERVICES, TO REGULATE EASEMENTS, TO ALLOW
20 CERTAIN ENTITIES TO CONSTRUCT FIBER-OPTIC INFRASTRUCTURE ON PUBLIC
21 UTILITIES' EXISTING RIGHTS-OF-WAY; AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** Section 77-3-2, Mississippi Code of 1972, is
24 amended as follows:

25 77-3-2. (1) The Legislature finds and determines that the
26 rates, services and operations of public utilities as defined in
27 this title are affected with the public interest and that the



28 availability of an adequate and reliable service by such public
29 utilities to the people, economy and government of the State of
30 Mississippi is a matter of public policy. The Legislature hereby
31 declares to be the policy of the State of Mississippi:

32 (a) To provide fair regulation of public utilities in
33 the interest of the public;

34 (b) To promote the inherent advantage of regulated
35 public utilities;

36 (c) To promote adequate, reliable and economical
37 service to all citizens and residents of the state;

38 (d) To provide just and reasonable rates and charges
39 for public utility services without unjust discrimination, undue
40 preferences or advantages, or unfair or destructive competitive
41 practices and consistent with long-term management and
42 conservation of energy resources by avoiding wasteful, uneconomic
43 and inefficient uses of energy;

44 (e) To encourage and promote harmony between public
45 utilities, their users and the environment;

46 (f) To foster the continued service of public utilities
47 on a well-planned and coordinated basis that is consistent with
48 the level of service needed for the protection of public health
49 and safety and for the promotion of the general welfare;

50 (g) To cooperate with other states and the federal
51 government in promoting and coordinating interstate and intrastate
52 public utility service and reliability;



53 (h) To encourage the continued study and research for
54 new and innovative rate-making procedures which will protect the
55 state, the public, the ratepayers and the utilities, and where
56 possible reduce the costs of the rate-making process; and

57 (i) With respect to rate-regulated public utilities, to
58 foster, encourage, enable and facilitate economic development in
59 the State of Mississippi, * * * to support and augment economic
60 development activities, * * * to deploy existing and emerging
61 technologies, including fiber-optic infrastructure and enhanced
62 grid investments which will foster a more reliable and resilient
63 utility delivery system and provide customer access to broadband
64 services in unserved and/or underserved areas, as defined in
65 Section 4 of this act, to authorize and empower the Public Service
66 Commission * * * in carrying out its statutory responsibilities,
67 and to take every opportunity to advance the economic development
68 of the state.

69 (2) To these ends, therefore, authority shall be vested in
70 the Mississippi Public Service Commission to regulate public
71 utilities in accordance with the provisions of this title.

72 (3) (a) The commission shall, in addition to its other
73 powers and duties, be authorized and empowered, in its discretion,
74 to consider and adopt a formula type rate of return evaluation
75 rate which may include provision for the commission to:

76 (i) Periodically review and adjust, if required,
77 the utility's level of revenues based upon the actual books and



78 records of the utility which are periodically the subject of
79 independent audits and regulatory audits;

80 (ii) Review the utility's performance in certain
81 areas or categories which may be used by the commission in the
82 manner selected by it which may include rate incentives or
83 penalties so long as such are found to be fair and reasonable and
84 result in a level of revenue which is fair and reasonable; and

85 (iii) Use such other provisions which may be
86 permitted by this chapter.

87 (b) When a formula type rate of return evaluation rate
88 with periodic revenue adjustments is adopted by the commission,
89 each periodic revenue adjustment will be separately considered for
90 the purpose of determining whether a hearing is required pursuant
91 to Section 77-3-39(1), and no such hearing shall be required if
92 the amount of any separate periodic adjustment to the level of
93 revenues of the utility is not a "major change" as defined in
94 Section 77-3-37(8).

95 (c) In administering any such formula type rate of
96 return evaluation rate, the following procedures shall be observed
97 by the commission:

98 (i) Each periodic evaluation shall be supported
99 with a sworn filing by the utility incorporating the data
100 specified in the formula rate adopted by the commission, and such
101 data shall be verified by the commission; and



102 (ii) A hearing shall be required, as provided by
103 law, to determine compliance with the formula rate plan and the
104 accuracy of the data prior to any change in the level of revenues
105 if the cumulative change in any calendar year exceeds the greater
106 of Two Hundred Thousand Dollars (\$200,000.00) or four percent (4%)
107 of the annual revenues of the utility.

108 (d) The requirements of paragraphs (a), (b) and (c) of
109 this subsection and other applicable provisions of Title 77,
110 Chapter 3, Article 1, Mississippi Code of 1972, which are observed
111 by the commission in administering such rate, are hereby declared
112 to be procedural but are not required to be included in the rate
113 itself.

114 (4) It is the intention of the Legislature to validate,
115 retroactively to its initial adoption by the commission, any
116 formula type rate, including any revenue adjustments effected
117 pursuant thereto, which has heretofore been adopted by the
118 commission. For the purposes of the retroactive validation and
119 the administration of any formula type rate heretofore adopted by
120 the commission, should the provisions of Title 77, Chapter 3,
121 Article 1, Mississippi Code of 1972, conflict with any provisions
122 of such formula type rate, Title 77, Chapter 3, Article 1,
123 Mississippi Code of 1972, shall be interpreted to prevail and the
124 formula type rate shall hereafter be administered or revised to
125 conform to Title 77, Chapter 3, Article 1, Mississippi Code of
126 1972; provided, however, such conflict, if any, shall not be held



127 to invalidate the retroactive effect of this section upon such
128 rate.

129 (5) The Public Service Commission is authorized and
130 empowered to enter into contracts with federal agencies,
131 including, but not limited to, the United States Department of
132 Commerce, the Federal Communications Commission and the National
133 Telecommunications Information Agency, or state agencies, for the
134 purposes only of providing services for the collection of data for
135 mapping of broadband availability and related purposes. For
136 purposes of this subsection, "state agencies" includes any state
137 agency including, but not limited to, state institutions of higher
138 learning.

139 **SECTION 2.** Section 77-3-3, Mississippi Code of 1972, is
140 amended as follows:

141 77-3-3. As used in this chapter:

142 (a) The term "corporation" includes a private or public
143 corporation, a municipality, an association, a joint-stock
144 association or a business trust.

145 (b) The term "person" includes a natural person, a
146 partnership of two (2) or more persons having a joint or common
147 interest, a cooperative, nonprofit, limited dividend or mutual
148 association, a corporation, or any other legal entity.

149 (c) The term "municipality" includes any incorporated
150 city, town or village.



151 (d) The term "public utility" includes persons and
152 corporations, or their lessees, trustees and receivers now or
153 hereafter owning or operating in this state equipment or
154 facilities for:

155 (i) The generation, manufacture, transmission or
156 distribution of electricity to or for the public for compensation;

157 (ii) The transmission, sale, sale for resale, or
158 distribution of natural, artificial, or mixed natural and
159 artificial gas to the public for compensation by means of
160 transportation, transmission, or distribution facilities and
161 equipment located within this state; however, the term shall not
162 include the production and gathering of natural gas, the sale of
163 natural gas in or within the vicinity of the field where produced,
164 or the distribution or sale of liquefied petroleum gas or the sale
165 to the ultimate consumer of natural gas for use as a motor vehicle
166 fuel;

167 (iii) The transmission, conveyance or reception of
168 any message over wire, of writing, signs, signals, pictures and
169 sounds of all kinds by or for the public, where such service is
170 offered to the public for compensation, and the furnishing, or the
171 furnishing and maintenance, of equipment or facilities to the
172 public, for compensation, for use as a private communications
173 system or part thereof; however, no person or corporation not
174 otherwise a public utility within the meaning of this chapter
175 shall be deemed such solely because of engaging in this state in



176 the furnishing, for private use as last aforementioned, and
177 moreover, nothing in this chapter shall be construed to apply to
178 television stations, radio stations, community television antenna
179 services, video services, Voice over Internet Protocol services
180 ("VoIP"), any wireless services, including commercial mobile
181 services, Internet Protocol ("IP") - enabled services or broadband
182 services; and

183 (iv) The transmission, distribution, sale or
184 resale of water to the public for compensation, or the collection,
185 transmission, treatment or disposal of sewage, or otherwise
186 operating a sewage disposal service, to or for the public for
187 compensation.

188 The term "public utility" shall not include any person not
189 otherwise a public utility, who furnishes the services or
190 commodity described in this paragraph only to himself, his
191 employees or tenants as an incident of such employee service or
192 tenancy, if such services are not sold or resold to such tenants
193 or employees on a metered or consumption basis other than the
194 submetering authorized under Section 77-3-97.

195 A public utility's business other than of the character
196 defined in subparagraphs (i) through (iv) of this paragraph is not
197 subject to the provisions of this chapter.

198 (e) The term "rate" means and includes every
199 compensation, charge, fare, toll, customer deposit, rental and
200 classification, or the formula or method by which such may be



201 determined, or any of them, demanded, observed, charged or
202 collected by any public utility for any service, product or
203 commodity described in this section, offered by it to the public,
204 and any rules, regulations, practices or contracts relating to any
205 such compensation, charge, fare, toll, rental or classification;
206 however, the term "rate" shall not include charges for electrical
207 current furnished, delivered or sold by one (1) public utility to
208 another for resale.

209 (f) The word "commission" shall refer to the Public
210 Service Commission of the State of Mississippi, as now existing,
211 unless otherwise indicated.

212 (g) The term "affiliated interest" or "affiliate"
213 includes:

214 (i) Any person or corporation owning or holding,
215 directly or indirectly, twenty-five percent (25%) or more of the
216 voting securities of a public utility;

217 (ii) Any person or corporation in any chain of
218 successive ownership of twenty-five percent (25%) or more of the
219 voting securities of a public utility;

220 (iii) Any corporation of which fifteen percent
221 (15%) or more of the voting securities is owned or controlled,
222 directly or indirectly, by a public utility;

223 (iv) Any corporation of which twenty-five percent
224 (25%) or more of the voting securities * * * is owned or
225 controlled, directly or indirectly, by any person or corporation



226 that owns or controls, directly or indirectly, twenty-five percent
227 (25%) or more of the voting securities of any public utility or by
228 any person or corporation in any chain of successive ownership of
229 twenty-five percent (25%) of such securities;

230 (v) Any person who is an officer or director of a
231 public utility or of any corporation in any chain of successive
232 ownership of fifteen percent (15%) or more of voting securities of
233 a public utility; or

234 (vi) Any person or corporation that the
235 commission, after notice and hearing, determines actually
236 exercises any substantial influence or control over the policies
237 and actions of a public utility, or over which a public utility
238 exercises such control, or that is under a common control with a
239 public utility, such control being the possession, directly or
240 indirectly, of the power to direct or cause the discretion of the
241 management and policies of another, whether such power is
242 established through ownership of voting securities or by any other
243 direct or indirect means.

244 However, the term "affiliated interest" or "affiliate" shall
245 not include a joint agency organized pursuant to Section 77-5-701
246 et seq., nor a member municipality thereof.

247 (h) The term "facilities" includes all the plant and
248 equipment of a public utility, used or useful in furnishing public
249 utility service, including all real and personal property without
250 limitation, and any and all means and instrumentalities in any



251 manner owned, operated, leased, licensed, used, controlled,
252 furnished or supplied for, by or in connection with its public
253 utility business.

254 (i) The term "cost of service" includes operating
255 expenses, taxes, depreciation, net revenue and operating revenue
256 requirement at a claimed rate of return from public utility
257 operations.

258 (j) The term "lead-lag study" includes an analysis to
259 determine the amount of capital which investors in a public
260 utility, the rates of which are subject to regulation under the
261 provisions of this chapter, must provide to meet the day-to-day
262 operating costs of the public utility prior to the time such costs
263 are recovered from customers, and the measurement of (i) the lag
264 in collecting from the customer the cost of providing service, and
265 (ii) the lag in paying the cost of providing service by the public
266 utility.

267 (k) The term "broadband services" means any service
268 that consists of or includes a high-speed access capability * * *
269 as defined in Section 4 of this act and:

270 (i) Is used to provide access to the Internet, or

271 (ii) Provides computer processing, information
272 storage, information content or protocol conversion, including any
273 service applications or information service provided over such
274 high-speed access service.



275 (1) The term "video services" means video programming
276 services without regard to delivery technology, including Internet
277 Protocol technology ("Internet Protocol television or IPTV") and
278 video programming provided as a part of a service that enables
279 users to access content, information, email or other services
280 offered over the public internet. The term "video programming"
281 means any programming as defined in 47 USCS Section 522(20).

282 (m) The term "Voice over Internet Protocol services" or
283 "VoIP services" means any service that: (i) enables real-time,
284 two-way voice communications that originate from or terminate to
285 the user's location in Internet Protocol or any successor
286 protocol; (ii) uses a broadband connection from the user's
287 location; and (iii) permits users generally to receive calls that
288 originate on the Public Switched Telephone Network and to
289 terminate calls to the Public Switched Telephone Network.

290 (n) The term "commercial mobile services" means any
291 services as defined in 47 USCS Section 332(d).

292 (o) The term "Internet Protocol-enabled services" or
293 "IP-enabled services" means any service, capability,
294 functionality, or application provided using Internet Protocol, or
295 any successor protocol, that enables an end user to send or
296 receive a communication in Internet Protocol format, or any
297 successor format, regardless of whether the communications is
298 voice, data or video.



299 (p) "Broadband service provider" means an entity that
300 provides broadband services to others on a wholesale basis or to
301 end-use customers on a retail basis.

302 (q) "Broadband operator" means a broadband service
303 provider that uses the electric delivery system of any
304 rate-regulated public utility of the type as defined in Section
305 77-3-3(d) (i) with the public utility's consent to provide
306 broadband services in unserved and/or underserved areas, as
307 defined in Section 4 of this act.

308 (r) "Electric delivery system" means the poles, lines,
309 fiber, cables, broadband system, materials, equipment, easements
310 and other facilities or properties used by any rate-regulated
311 public utility of the type as defined in Section 77-3-3(d) (i) to
312 deliver or facilitate the delivery, sale or use of electric
313 energy.

314 (s) The term "enhanced grid investments" means
315 investments in technologies and services that support and improve
316 the operational performance, service reliability, resiliency and
317 security of the electric delivery system.

318 Nothing contained in this paragraph shall apply to retail
319 services that are tariffed by the commission.

320 **SECTION 3.** Section 77-3-44, Mississippi Code of 1972, is
321 amended as follows:

322 77-3-44. (1) Any rate-regulated electric or natural gas
323 public utility with certificated service area in Mississippi may



324 undertake economic development activities, whether directly or
325 indirectly, including activities such as providing capital, or
326 investment in or acquisition and development of business or
327 industrial sites and the necessary infrastructure or services
328 needed to attract new or existing businesses or industry, to
329 create or maintain employment opportunities, or deployment of
330 fiber-optic infrastructure and enhanced grid investments,
331 including those which provide customer access to broadband
332 services in unserved and/or underserved areas, as defined in
333 Section 4 of this act, or otherwise to positively impact or in
334 some manner promote the sale of electric energy or natural gas
335 within its certificated service area. Any facilities developed,
336 constructed or acquired in support of the activities described in
337 this section, including fiber-optic infrastructure investments and
338 enhanced grid investments, including those which provide customer
339 access to broadband services in unserved and/or underserved areas,
340 as defined in Section 4 of this act, and for which a certificate
341 of public convenience and necessity or other commission approval
342 has been granted after July 1, 2015, as well as any capital
343 investment in natural gas reserves made directly or indirectly by
344 an electric or natural gas public utility to foster long-term
345 stability in the cost of fuel, may be deemed used and useful in
346 the provision of electric or natural gas service regardless of
347 whether or not any end-use customers are taking service from said



348 facilities or investment and otherwise recoverable through the
349 utility's rates.

350 (2) (a) In addition, to further expand fiber-optic
351 infrastructure in the state, any rate-regulated public utility of
352 the type as defined in Section 77-3-3(d) (i) may grant permission
353 to broadband service providers to use the electric delivery
354 system, including without limitation the fiber-optic
355 infrastructure and enhanced grid investments, of the
356 rate-regulated public utility to provide broadband services or
357 other similar services as defined in Section 77-3-3(k) through
358 (o). To the extent a rate-regulated public utility grants
359 permission to any broadband service provider to use any part of
360 the utility's electric delivery system, including without
361 limitation its fiber optic infrastructure and enhanced grid
362 investments, it must do so under just and reasonable rates, terms
363 and conditions and it must grant such permission to all other
364 broadband operators and broadband service providers on a
365 nondiscriminatory basis.

366 (b) The rate-regulated public utility shall not: (i)
367 allow the use of its electric delivery system by a broadband
368 operator to provide broadband services as defined above to
369 diminish the reliability of the electric delivery system; (ii)
370 require any person to purchase broadband services as a condition
371 of receiving or continuing to receive electric service; (iii)
372 disconnect, or threaten to disconnect, electric service to any



373 customer due to the customer's failure to pay for broadband
374 services; or (iv) provide for a discount on electric rates when a
375 customer purchases broadband services from a broadband service
376 provider. Any complaint related to a rate-regulated public
377 utility's permissive offer of use pursuant to this paragraph (b)
378 shall be brought before and resolved by the Public Service
379 Commission.

380 (c) In addition, to further expand fiber-optic
381 infrastructure and economic development in the state, any public
382 utility, including electric cooperatives, of the type as defined
383 in Section 77-3-3(d) (i) may grant permission to a retail customer
384 with a nonaggregated load greater than twenty (20) megawatts to
385 construct, install, or maintain above or underground fiber-optic
386 infrastructure on the public utility's existing right-of-way of
387 its electric delivery system.

388 (d) In instances where a landowner has previously been
389 compensated for the use of their land through a right-of-way
390 instrument with a rate-regulated public utility, the use of the
391 rate-regulated public utility's electric delivery system for the
392 provision of broadband services to a broadband operator, to a
393 broadband service provider or use of the rate-regulated public
394 utility's existing right-of-way on its electric delivery system by
395 a retail customer to construct, install, or maintain above or
396 underground fiber-optic infrastructure shall not be considered an
397 additional burden on the real property upon which the



398 rate-regulated public utility's electric delivery system is
399 located and shall not require the rate-regulated public utility,
400 the broadband operator or retail customer to obtain the consent of
401 anyone having an interest in the real property upon which the
402 rate-regulated public utility's electric delivery system is
403 located.

404 (e) If a portion of a rate-regulated public utility's
405 electric delivery system is used by a broadband operator for the
406 provision of broadband services or a portion of a rate-regulated
407 public utility's right-of-way is used by a retail customer to
408 construct, install, or maintain above or underground fiber-optic
409 infrastructure and the landowner of the real property on which
410 such portion is located believes his property has been damaged by
411 such use, the landowner may petition the circuit court of the
412 county in which the property is situated for any damages to which
413 the landowner may be entitled under this subsection:

414 (i) The petition allowed and damages recoverable
415 under this subsection shall be the landowner's exclusive remedy,
416 and the landowner shall not be entitled to assert any other
417 theory, claims or causes of action nor recover any other damages,
418 punitive damages, costs, attorneys' fees, or other relief.

419 (ii) The recoverable damages, if any, shall be
420 recoverable only from the broadband operator or retail customer
421 and not from the rate-regulated public utility.



422 (iii) The damages recoverable shall be an amount
423 equal to the difference between 1. the fair market value of the
424 landowner's interest in the real property immediately before the
425 rate-regulated public utility's electric delivery system on the
426 owner's property was first used by the broadband operator or
427 retail customer for the provision of broadband services, and 2.
428 the fair market value of the landowner's interest in the real
429 property immediately after the rate-regulated public utility's
430 electric delivery system on the landowner's property was first
431 used by the broadband operator or retail customer for the
432 provision of broadband services. The before-and-after values must
433 be established by the testimony of a qualified real estate
434 appraiser. The damages, if any, shall be fixed and shall not be
435 deemed to continue, accumulate, or accrue. The court shall, as
436 part of its judgment, confirm the rights granted by the
437 rate-regulated public utility to the broadband operator or retail
438 customer and their respective successors and assigns for the
439 placement or use of a broadband system on or as part of the
440 electric delivery system. The judgment will have the same effect
441 of a conveyance executed in due form of law and shall run with the
442 land; and a certified copy of said judgment may be filed by the
443 broadband operator or retail customer in the land records of the
444 county in which the subject property is located.

445 (iv) Evidence of past, current or future revenues
446 or profits derived or to be derived by a broadband operator or



447 retail customer from providing broadband services is not
448 admissible for any purpose in any such proceeding.

449 (v) The landowner shall not be entitled to any
450 damages or other relief relating to any broadband system or
451 portion thereof that is located on the landowner's property or any
452 fiber-optic infrastructure by the retail customer that is located
453 on the landowner's property and is used or could be used by the
454 rate-regulated public utility for its own operations.

455 (vi) The landowner shall not be entitled to any
456 relief or damages if an easement has been granted to the broadband
457 operator or retail customer, if the landowner has authorized the
458 rate-regulated public utility to use or allow others to use its
459 electric delivery system for the provision of broadband services,
460 or if the landowner has authorized the rate-regulated public
461 utility to use its existing right-of-way to construct, install, or
462 maintain above or underground fiber-optic infrastructure.

463 (f) Nothing in this section shall affect, abrogate, or
464 eliminate in any way any obligation of a rate-regulated public
465 utility or broadband operator, as defined in Section 77-3-3(q) to
466 comply with any applicable safety and permitting requirements of
467 any railroad company or any state governmental body or agency with
468 respect to property that is held or controlled by such railroad
469 company or state governmental body or agency, as the case may be,
470 and in, on, over, or across which an easement is located.



471 (g) All costs paid by a rate-regulated public utility
472 to acquire right-of-way shall be considered cost of service and
473 recovered through rates, and all revenue collected by a
474 rate-regulated public utility from third-party use of a
475 rate-regulated public utility right-of-way shall be credited back
476 to customers in a comparable manner.

477 The Public Service Commission shall establish a mechanism for
478 electric utility revenues deriving from the provision of
479 competitive broadband services such that electric service
480 customers receive an annual credit, adjusted annually, for any
481 wholesale revenues derived from fiber optic infrastructure and
482 enhanced grid investments.

483 **SECTION 4.** (1) For purposes of this act, "unserved and/or
484 underserved areas" means areas lacking access to broadband service
485 capable of delivering high-speed Internet access of at least
486 twenty-five (25) megabits per second downstream and three (3)
487 megabits per second upstream, from at least one (1) provider of
488 broadband service, until such time as the Federal Communications
489 Commission (FCC) updates the national broadband definition when
490 the Public Service Commission may set a new definition of
491 "unserved and/or underserved areas" based on the updated FCC
492 standard.

493 (2) Except for Section 77-3-44(2)(c), nothing in this act
494 shall be interpreted to affect the provisions of Sections 77-17-1
495 through 77-17-15 (the Mississippi Broadband Enabling Act).



496 **SECTION 5.** This act shall take effect and be in force from
497 and after July 1, 2021.

