

**Adopted  
AMENDMENT NO 3 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2604**

**BY: Senator(s) Bryan**

1           **AMEND by inserting the following sections after line 254 and**  
2 **renumbering subsequent sections accordingly:**

3           **SECTION \*.** The following shall be codified as Section  
4 21-27-79, Mississippi Code of 1972:

5           21-27-79. (1) Any municipally-owned electric utility  
6 created under this chapter which has more than one-third (1/3) of  
7 its service area located outside the corporate boundaries of the  
8 municipality shall have the same powers as are granted to an  
9 electric cooperative by the Mississippi Broadband Enabling Act,  
10 Section 77-17-1 et seq.

11           (2) If more than one-fifth (1/5) of the land area of a  
12 municipal school district is located in the territory served by a  
13 municipally-owned electric utility described in subsection (1) of  
14 this section, then the electric utility owned by the municipality



15 in which the central office of that school district is located  
16 shall have the same powers as are granted to an electric  
17 cooperative by the Mississippi Broadband Enabling Act, Section  
18 77-17-1 et seq.

19 **SECTION \*.** Section 17-13-5, Mississippi Code of 1972, is  
20 amended as follows:

21 17-13-5. For the purpose of this chapter, the following  
22 words shall be defined as herein provided unless the context  
23 requires otherwise:

24 (a) "Local governmental unit" shall mean any county,  
25 any incorporated city, town or village, any school district, any  
26 utility district, any community college, any institution of higher  
27 learning, any municipal airport authority or regional airport  
28 authority in the state, any local tourism commission in the state  
29 or any public improvement district created under the Public  
30 Improvement District Act. For the purposes of this chapter, the  
31 term "local governmental unit" includes a municipally-owned  
32 electric utility system described in Section 21-27-79 for the  
33 purpose authorized in that section.

34 (b) "Governing authority" shall mean the board of  
35 supervisors of any county, board of trustees of any school  
36 district or community college whether elective or appointive, the  
37 governing board of any city, town or village, the board of  
38 commissioners of a utility district, the Board of Trustees of  
39 State Institutions of Higher Learning, the commissioners of a



40 municipal airport authority or regional airport authority, the  
41 commission of a local tourism commission or the board of directors  
42 of any public improvement district created under the Public  
43 Improvement District Act.

44 **SECTION \*.** Section 77-17-3, Mississippi Code of 1972, is  
45 amended as follows:

46 77-17-3. As used in this chapter, the following terms shall  
47 have the following meanings unless the context clearly indicates  
48 otherwise:

49 (a) "Broadband affiliate" or "affiliate" means any  
50 entity that is (i) wholly or partially owned by an electric  
51 cooperative, and (ii) formed to own or operate a broadband system  
52 or provide broadband services.

53 (b) "Broadband service provider" means an entity that  
54 provides broadband services to others on a wholesale basis or  
55 to \* \* \* end-user customers on a retail basis.

56 (c) "Broadband operator" means a broadband service  
57 provider that owns or operates a broadband system on an electric  
58 cooperative's electric delivery system with the electric  
59 cooperative's consent.

60 (d) "Broadband services" means any service that  
61 consists of or includes the provision of or connectivity to a  
62 high-speed, high-capacity transmission medium that can carry  
63 signals from or to multiple sources and that either: (i) is used  
64 to provide access to the Internet, or (ii) provides computer



65 processing, information storage, information content or protocol  
66 conversion, including any service applications or information  
67 service provided over such high-speed access service. As used  
68 herein, "broadband services" also includes video services, voice  
69 over Internet protocol services, any wireless services, and  
70 Internet protocol-enabled services.

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

74 (f) "Electric delivery system" means the poles, lines,  
75 fiber, cables, broadband system, materials, equipment, easements  
76 and other facilities or properties used by an electric cooperative  
77 to deliver or facilitate the delivery, sale or use of electric  
78 energy.

79 (g) "Electric cooperative" means an electric power  
80 association formed or operating under Sections 77-5-201, et seq.  
81 For the purposes of this chapter, the term "electric cooperative"  
82 includes a municipally-owned electric utility system described in  
83 Section 21-27-79.

84 (h) "Internet protocol-enabled services" means any  
85 service, capability, functionality or application provided using  
86 Internet protocol, or any successor protocol, that enables an end  
87 user to send or receive a communication in Internet protocol  
88 format, or any successor format, regardless of whether the  
89 communications is voice, data or video.



90 (i) "Landowner" includes any person or entity holding  
91 an interest in real property.

92 (j) "Video services" means video programming services  
93 without regard to delivery technology, including Internet protocol  
94 technology ("Internet Protocol television or IPTV") and video  
95 programming provided as a part of a service that enables users to  
96 access content, information, email or other services offered over  
97 the public Internet. The term "video programming" means any  
98 programming generally considered comparable to programming  
99 provided by a television broadcast station or others.

100 (k) "Voice over Internet protocol services" means any  
101 service that: (i) enables real-time, two-way voice communications  
102 that originate from or terminate to the user's location in  
103 Internet protocol or any successor protocol; (ii) uses a broadband  
104 connection from the user's location; and (iii) permits users  
105 generally to receive calls that originate on the public switched  
106 telephone network and to terminate calls to the public switched  
107 telephone network.

108 **FURTHER, AMEND the title to conform.**

