

By: _____ .B. No. _____

Substitute the following for .B. No. _____:

By: _____ C.S. .B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to access by a certificated telecommunications provider to
3 rights-of-way and equipment owned by electric cooperatives.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Subchapter E, Chapter 54,
6 Utilities Code, is amended to read as follows:

7 SUBCHAPTER E. MUNICIPALITIES AND ELECTRIC COOPERATIVES

8 SECTION 2. Subchapter E, Chapter 54, Utilities Code, is
9 amended by adding Section 54.2041 to read as follows:

10 Sec. 54.2041. DISCRIMINATION BY ELECTRIC COOPERATIVE
11 PROHIBITED. (a) Notwithstanding Section 41.004, an electric
12 cooperative may not discriminate against a certificated
13 telecommunications provider regarding:

14 (1) the authorization or placement of a facility in a
15 right-of-way owned by the cooperative;

16 (2) access to a building; or

17 (3) a cooperative pole attachment rate or term.

18 (b) An electric cooperative may not charge any entity,
19 regardless of the nature of the services provided by that entity, a
20 pole attachment rate, an underground conduit rate, or make-ready
21 costs or other nonrecurring fees that exceed:

22 (1) the existing rates, costs, or fees in a contract
23 between the entity and the cooperative;

24 (2) rates, costs, or fees mutually agreed to by the

1 entity and the cooperative;

2 (3) the rates, costs, or fees the cooperative would be
3 permitted to charge under rules adopted by the Federal
4 Communications Commission under 47 U.S.C. Section 224 if the
5 cooperative's rates were regulated under federal law and the rules
6 of the Federal Communications Commission, including by applying the
7 most recent default authorized rate of return for rate-of-return
8 carriers when calculating applicable rates; or

9 (4) rates, costs, or fees determined by the commission
10 in a contested case under Chapter 2001, Government Code.

11 (c) A certificated telecommunications provider shall comply
12 with the pole attachment requirements of Section 253.0403 for the
13 purposes of this section to the same extent as a broadband provider.

14 (d) Notwithstanding any other law, the commission has the
15 jurisdiction necessary to enforce this section.

16 SECTION 3. This Act takes effect September 1, 2025.