

BILL ANALYSIS

Senate Research Center

S.B. 632
By: Buckingham
Transportation
5/24/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 632 allows the Lower Colorado River Authority (LCRA) to help connect rural Texans to critically needed broadband services by authorizing LCRA to build broadband infrastructure and facilitate broadband connectivity on its electric transmission system.

Advanced telecommunications capability and Internet access are not services that LCRA currently provides. However, LCRA is uniquely situated to help improve access to broadband, especially in rural communities across Texas. LCRA could help connect rural Texans to broadband services by taking advantage of its existing and planned infrastructure to provide broadband connectivity.

Under this bill, LCRA will be able to repurpose its fiber optic transmission lines to provide broadband services to which contracted entities can connect. LCRA will be providing the broadband highway, serving as the middle mile role to which retail providers will connect and serve as the last mile role in providing services to end customers.

S.B. 632 gives LCRA the authority to build broadband infrastructure and facilitate broadband connectivity on its transmission system. It also prohibits LCRA from providing broadband service to a retail customer or end user and clarifies in statute that LCRA will not be considered a telecommunications utility or Internet service provider.

(Original Author's/Sponsor's Statement of Intent)

S.B. 632 amends current law relating to provision of broadband infrastructure and connectivity by the Lower Colorado River Authority.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 8503, Special District Local Laws Code, by adding Section 8503.032, as follows:

Sec. 8503.032. BROADBAND SERVICE INFRASTRUCTURE AND CONNECTIVITY. (a) Defines "broadband service."

(b) Authorizes the Lower Colorado River Authority (LCRA) to provide fiber capacity or facilities for the purpose of facilitating broadband service connectivity.

(c) Prohibits LCRA from providing broadband service to a retail customer.

(d) Provides that, notwithstanding any other law, Subtitle C (Telecommunications Utilities), Title 2 (Public Utility Regulatory Act), Utilities Code, does not apply to LCRA.

(e) Authorizes LCRA to provide fiber capacity or facilities only on reasonable and nondiscriminatory terms and conditions.

(f) Prohibits LCRA from agreeing to lease fiber capacity or facilities to a municipality for the purpose of facilitating broadband service connectivity, other than for communications regarding utility operations, unless LCRA:

(1) posts on LCRA's Internet website information concerning the proposal to lease the capacity or facilities to the municipality not less than 90 days before entering into the lease agreement with the municipality; and

(2) for the 90-day period beginning on the date that LCRA posts information under Subdivision (1), makes the capacity or facilities available for the lease to any commercial broadband provider that provides broadband services in the municipality, on LCRA's standard terms and conditions.

SECTION 2. Effective date: upon passage or September 1, 2021.