

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1470

Short Title: Telecommunication Service Provider Contracts. (Public)

Sponsors: Representatives Saunders and Brubaker (Primary Sponsors).

Referred to: Public Utilities.

April 21, 2005

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING INCLUSION OF CERTAIN PROVISIONS IN CONTRACTS
3 BETWEEN TELECOMMUNICATION SERVICE PROVIDERS AND OWNERS
4 OR DEVELOPERS OF COMMERCIAL OR RESIDENTIAL PROPERTY
5 DEVELOPMENTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 1 of Chapter 62 of the General Statutes is amended by
8 adding the following new section to read:

9 **"§ 62-5. Provisions required in contracts between telecommunication or data**
10 **service providers and developers.**

11 (a) The following definitions apply in this section:

12 (1) Preferred provider. – Any telecommunication or data service provider
13 who has secured a preferred provider contract for a development
14 described in the contract.

15 (2) Preferred provider contract. – A contract or agreement between a
16 telecommunication or data service provider offering service in this
17 State, including services regulated by the Utilities Commission, or the
18 parent company, subsidiary, or affiliate of the provider, and the owner
19 or developer, or agent of the owner or developer, of a commercial or
20 residential property development that confers rights and privileges
21 upon the telecommunication or data service provider, including those
22 regarding access to the development and marketing within the
23 development, in return for valuable consideration.

24 (b) The following shall be included in any preferred provider contract:

25 (1) A provision granting other telecommunication or data service
26 providers the option of obtaining physical access to the development
27 that is the subject of the contract for purposes of installing facilities in
28 order to offer service to the public on the same basis as the preferred
29 provider.

1 (2) A provision explicitly stating that no other telecommunication or data
2 service provider regulated by the Utilities Commission is prohibited
3 from obtaining easements or rights-of-way for the installation of
4 facilities or equipment to provide telecommunication services.

5 (c) Nothing in this section shall prohibit a user or prospective user of
6 telecommunication or data service from entering into a lawful agreement with a
7 telecommunication service provider to provide the user or prospective user
8 telecommunication service."

9 **SECTION 2.** This act is effective when it becomes law.