

SS#2 SCS HB 1880 -- RURAL ELECTRIC COOPERATIVES

This bill modifies provisions relating to broadband communications services provided by rural electric cooperatives.

Currently, rural electric cooperatives have certain powers, including the power to construct electric transmission and distribution lines or systems. This bill specifies that "electric transmission and distribution lines or systems" are specifically defined to include copper and fiber optic cable, facilities, and technology that carries light signals and data beyond that necessary for the transmission and distribution of electricity. Further, this bill specifies that if a property owner prevails against a rural electric cooperative or cooperative subsidiary in a suit in trespass or inverse condemnation filed after August 28, 2018, the trespass shall be deemed permanent and the actual damages awarded shall be the fair market value and fixed at the time of the initial trespass, punitive damages shall not be assessed, but the property owner may be compensated for property damage resulting from such trespass and reasonable attorneys' fees. This bill further specifies that power conferred upon rural electric cooperatives shall be subject to a certain antitrust provision of law (Section 394.080, RSMo).

With this bill, the General Assembly declares that expanding and accelerating access to high-speed broadband communications services is in the best interests of citizens. In recognition of this capital intensive deployment, the General Assembly encourages rural electric cooperatives to enter into agreements or contracts with certain entities set forth in this bill. Such agreements may provide for the non-exclusive use of rural electric cooperative infrastructure and easements for the deployment of such services. Further, this bill requires a distribution cooperative that provides broadband service to offer such service to a landowner if such cooperative's broadband infrastructure traverses such landowner's property (Section 394.085).