

HOUSE BILL 3635
By McDaniel

AN ACT to amend Tennessee Code Annotated, Title 65,
Chapter 5, and to enact the "Broadband Business
Certainty Act of 2006".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 5, is amended by inserting Sections 2 through 4 below as a new, appropriately designated part thereto.

SECTION 2. This part shall be known and may be cited as, the "Broadband Business Certainty Act of 2006".

SECTION 3. As used in this part, "broadband services" means any service that consists of or includes a high-speed access capability to transmit, at a rate that is not less than two hundred (200) kilobits per second, either in the upstream or downstream direction and either:

- (1) Is used to provide access to the Internet; or
- (2) Provides computer processing, information storage, information content or protocol conversion, including any service applications or information service provided over such high-speed access service.

SECTION 4. In order to ensure that Tennessee provides an attractive environment for investment in broadband technology by establishing certainty regarding the regulatory treatment of such technology, consistent with the decisions of the federal communications commission to preempt certain state actions that are not in accordance with the policies developed by the federal communications commission, the Tennessee regulatory authority shall not exercise jurisdiction of any type over or relating to broadband services regardless of the entity providing the service.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.