

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 472

By: Paxton

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5
6 AS INTRODUCED

7 An Act relating to rural electric cooperatives;
8 providing legislative intent; defining terms;
9 providing for codification; and providing an
effective date.

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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 9211 of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The Legislature finds that rural electric cooperatives and
16 their subsidiaries should be permitted to use existing utility
17 easements owned, held, or otherwise used by rural electric
18 cooperatives to expand access to broadband services. Consequently,
19 the installation of broadband services within their electric
20 easements are to be deemed modifications in the degree of the
21 granted use as appropriate to accommodate a new technology and,
22 absent any applicable express prohibition contained in the
23 instrument conveying the electric easement, shall be deemed as a
24 matter of law to be a permitted use within the scope of every

1 electric cooperative easement. Subject to compliance with any
2 express prohibitions in an electric cooperative easement, and in
3 compliance with this act, a rural electric cooperative and an
4 approved broadband provider may use the electric easement to
5 install, maintain, lease, and operate broadband services. Provided,
6 however, that any rural electric cooperative owning an electric
7 easement may assess fees and charges and impose reasonable
8 conditions on the use of its facilities within such electric
9 easement for the purpose of providing or supporting broadband
10 services.

11 B. As used in this section:

12 1. "Approved broadband provider" shall mean a broadband
13 provider with a current pole attachment agreement with the rural
14 electric cooperative to which it is attaching; and

15 2. "Above ground easement" shall mean the ability to attach to
16 the above ground infrastructure of a rural electric cooperative.

17 SECTION 2. This act shall become effective November 1, 2023.

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19 59-1-1538 RD 1/17/2023 1:05:20 PM
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