

SENATE FILE NO. SF0080

Telecommunications-exclusive contracts.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to telecommunications; prohibiting
2 political subdivisions from entering exclusive
3 telecommunications services contracts; providing
4 exceptions; providing for a complaint process; and
5 providing for an effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 37-15-413 is created to read:

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11 **37-15-413. Limitation on authority of political**
12 **subdivision to enter exclusive agreement for provision of**
13 **telecommunications service.**

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15 (a) Except as provided in subsections (b) through (e)
16 of this section, no governing body of any city or town or

1 other political subdivision of this state, shall provide
2 for the construction, maintenance or operation of any
3 telecommunications service by entering into an exclusive
4 franchise, partnership, joint venture, contract, resale
5 agreement or any other exclusive agreement with any party.

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7 (b) The governing body of a city or town or other
8 political subdivision shall allow the nondiscriminatory,
9 nonexclusive and competitively neutral use of its rights-
10 of-way including its poles, conduits, ducts or similar
11 support structures by any telecommunications company and
12 nothing in this section shall be construed to the contrary.

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14 (c) Nothing in this section shall restrict the
15 governing body of a city or town, or other political
16 subdivision, from providing a telecommunications service or
17 facility:

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19 (i) For its own use;

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21 (ii) For 911, E-911 or other emergency services;

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23 (iii) For medical or educational purposes; or
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1 (iv) To students by an educational institution.

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3 (d) Nothing in this section shall be construed to
4 restrict the governing body of a city or town or other
5 political subdivision, from providing a telecommunications
6 service to a party within the geographic area in which the
7 city, town or political subdivision operates as a
8 telecommunications utility. Any city, town or political
9 subdivision providing a telecommunications service under
10 this subsection shall:

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12 (i) Provide the telecommunications service on a
13 nondiscriminatory, nonexclusive and competitively neutral
14 basis; and

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16 (ii) Provide the telecommunications service at a
17 price which covers cost, including imputed costs that the
18 city, town or political subdivision would incur if it were
19 a for-profit telecommunications company.

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21 (e) Any person may complain to the commission, and
22 the commission may on its own motion initiate an
23 investigation, concerning any alleged violation of this

1 section by a city, town or political subdivision, subject
2 to the following:

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4 (i) If the commission finds that a city, town or
5 political subdivision has violated this section, or finds
6 that any rule, action or order of a city, town or political
7 subdivision is anticompetitive or otherwise violates this
8 section, the commission shall notify the city, town or
9 political subdivision of the violation. The city, town or
10 political subdivision shall cure the anticompetitive
11 behavior within ninety (90) days following mailing of
12 notice by the commission; and

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14 (ii) If the city, town or political subdivision
15 does not cure the anticompetitive behavior within ninety
16 (90) days, the commission shall commence a contested case
17 hearing on the complaint, governed by the Wyoming
18 Administrative Procedure Act, W.S. 16-3-101 et seq. If,
19 following the hearing, the commission finds that the city,
20 town or political subdivision has violated this section,
21 the commission shall prohibit the city, town or political
22 subdivision from providing any telecommunications service
23 until the violation of this section is remedied.

1 (f) This section does not apply to any contract
2 entered into prior to July 1, 2007.

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4 **Section 2.** This act is effective July 1, 2007.

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(END)