



Broadband Committee

SB2019-107

LPEA

La Plata Electric Association, Inc.

A Touchstone Energy[®] Cooperative 

What is SB107

- an effort by the Colorado General Assembly to use existing electric easements owned by cooperative electric associations to extend broadband service to areas of the state that are currently underserved
- based on legislation passed in Indiana in 2017
- even the oldest of these laws (Indiana) only dates back to 2017, so there is not much interpretation, intent, or application available at this point

How is it codified?

- divided into four parts and codified at C.R.S. § 40-15-601 through 604

Section 601—Definitions

- “Attached facility” means any portion of a broadband network that: (a) is aboveground and attached to a cooperative electric association’s electric service infrastructure; or (b) underground in an electric easement and existing before the delivery of notice pursuant to SB107
- “Electric easement” means a recorded or unrecorded easement, no matter how held

Section 602—How a Cooperative Expands an Existing Electric Easement to Include Broadband

- Written Notice
- Recorded Memorandum
- Not necessary to add broadband to support electric network

Section 603—Statute of Limitations and Calculations of Damages

- 2-Year statute of limitations
- Damages limited to diminished value
- Must accept easement to get damages

Section 604—Obligations (Pt. 1: Invoked SB107)

If a coop uses SB107 to expand an easement, it must

- (a) Not discriminate in offering or granting rights to install or attach to infrastructure; or
- (b) Charge fees that are nondiscriminatory for a substantially similar lease or use of the capacity

Section 604—Obligations (Pt. 2: Have an affiliate)

If a coop has a broadband affiliate, it must

- (a) Charge just and reasonable attachment fees such as a share of the carrying costs of the per-pole investment, including ongoing maintenance of the pole based on the portion of the usable space on the pole occupied by the attachment;
- (b) Provide all commercial broadband suppliers access to all poles on a just, reasonable, and nondiscriminatory basis; and under terms and conditions that are no less favorable than the terms and conditions offered to broadband affiliates; and
- (c) Charge fees that are nondiscriminatory lease or use of excess capacity in the coop's own network

Thank you