



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 129*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H129-ATD-5 [v.4]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Date _____, 2011

Representative _____

moves to amend the bill on page 2, lines 13 through 46, by rewriting the lines to read:

(1) Comply with all local, State, and federal laws, regulations, or other requirements regarding the provision of communications service if provided by a private communications service provider.

(2) In accordance with the provisions of Chapter 159 of the General Statutes, the Local Government Finance Act, establish one or more separate enterprise funds for the provision of communications service, use the enterprise funds to separately account for revenues, expenses, property, and source of investment dollars associated with the provision of communications service, and prepare and publish an independent annual report and audit in accordance with generally accepted accounting principles that reflect the fully allocated cost of providing the communications service, including all direct and indirect costs. An annual independent audit conducted under G.S. 159-34 and submitted to the Local Government Commission satisfies the audit requirement of this subdivision.

(3) Limit the provision of communications service to either of the following:
a. Persons within the service area boundaries of the city providing the communications service. (The service area boundaries to be described for each provider later in this section.)
b. Existing customers of the communications service as of April 1, 2011. Service to customers outside the service area of the city shall comply with the open bidding procedures of Article 8 of Chapter 143 upon the expiration or termination of the existing service contract.

(4) Shall not, directly or indirectly, under the powers of a city, exercise power or authority in any area, including zoning or land-use regulation, or exercise power to withhold or delay the provision of monopoly utility service, to require any person, including residents of a particular development, to use or subscribe to any communications service provided by the city-owned communications service provider.

(5) Shall provide nondiscriminatory access to private communications service providers on a first-come, first-served basis to rights-of-way, poles, or conduits owned, leased, or operated by the city unless the facilities have insufficient capacity for the access and additional capacity cannot reasonably



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