

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 801

Short Title: Prohibited Telecommunications Agreements.

(Public)

Sponsors: Senator Hoyle.

Referred to: Commerce.

April 3, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT PROHIBITING EXCLUSIVE TELECOMMUNICATIONS SERVICE  
3 PROVIDER AGREEMENTS OR ARRANGEMENTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 15 of Chapter 62 of the General Statutes is amended by  
6 adding a new section to read:

7 "**§ 62-328. Exclusive telecommunications service provider agreements prohibited.**

8 (a) No telecommunications service provider regulated by the Utilities  
9 Commission or any parent company, subsidiary, or affiliate of such a provider shall  
10 enter into any contract, agreement, or arrangement, oral or written, with any person or  
11 entity that explicitly or effectively does or seeks to do any of the following:

12 (1) Restrict or limit the ability of any other telecommunications service  
13 provider regulated by the Utilities Commission from obtaining  
14 easements or rights-of-way for the installation of facilities or  
15 equipment to provide telecommunications services in this State.

16 (2) Offers or grants incentives or rewards to an owner of real property or  
17 the owner's agent to encourage the owner or agent to refuse or restrict  
18 access to the real property by any other telecommunications service  
19 provider.

20 (b) Nothing in this section shall prohibit a user or prospective user of  
21 telecommunications service from entering into a lawful agreement with a  
22 telecommunications service provider with respect to the user or prospective user's own  
23 telecommunications service.

24 (c) Any telecommunications service provider who violates this section shall be  
25 subject to proceedings brought under this Chapter as well as any other civil and criminal  
26 actions authorized under the laws of this State for such a violation. Each day that a  
27 contract, agreement, or arrangement prohibited by this section remains in force or effect  
28 shall constitute a separate offense and each offense shall be punishable by a fine of not  
29 less than five hundred dollars (\$500.00) and not more than five thousand dollars

1 (\$5,000). An intentional violation of this section is hereby declared to be in violation of  
2 G.S. 75-1.1."

3 **SECTION 2.** This act is effective when it becomes law.