

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH70368-LM-124 (04/12)

Short Title: Telecommunication Service Provider Contracts. (Public)

Sponsors: Representatives Saunders and Brubaker (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT REQUIRING INCLUSION OF CERTAIN PROVISIONS IN CONTRACTS  
BETWEEN TELECOMMUNICATION SERVICE PROVIDERS AND OWNERS  
OR DEVELOPERS OF COMMERCIAL OR RESIDENTIAL PROPERTY  
DEVELOPMENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 1 of Chapter 62 of the General Statutes is amended by  
adding the following new section to read:

**"§ 62-5. Provisions required in contracts between telecommunication or data  
service providers and developers.**

(a) The following definitions apply in this section:

(1) Preferred provider. – Any telecommunication or data service provider  
who has secured a preferred provider contract for a development  
described in the contract.

(2) Preferred provider contract. – A contract or agreement between a  
telecommunication or data service provider offering service in this  
State, including services regulated by the Utilities Commission, or the  
parent company, subsidiary, or affiliate of the provider, and the owner  
or developer, or agent of the owner or developer, of a commercial or  
residential property development that confers rights and privileges  
upon the telecommunication or data service provider, including those  
regarding access to the development and marketing within the  
development, in return for valuable consideration.

(b) The following shall be included in any preferred provider contract:

(1) A provision granting other telecommunication or data service  
providers the option of obtaining physical access to the development  
that is the subject of the contract for purposes of installing facilities in

1                    order to offer service to the public on the same basis as the preferred  
2                    provider.  
3            (2)    A provision explicitly stating that no other telecommunication or data  
4                    service provider regulated by the Utilities Commission is prohibited  
5                    from obtaining easements or rights-of-way for the installation of  
6                    facilities or equipment to provide telecommunication services.  
7            (c)    Nothing in this section shall prohibit a user or prospective user of  
8                    telecommunication or data service from entering into a lawful agreement with a  
9                    telecommunication service provider to provide the user or prospective user  
10                   telecommunication service."

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