

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS85165-LM-72 (03/19)

Short Title: Prohibited Telecommunications Agreements.

(Local)

Sponsors: Senator Hoyle.

Referred to:

A BILL TO BE ENTITLED

AN ACT PROHIBITING EXCLUSIVE TELECOMMUNICATIONS SERVICE
PROVIDER AGREEMENTS OR ARRANGEMENTS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

(c) Any telecommunications service provider who violates this section shall be
subject to proceedings brought under this Chapter as well as any other civil and criminal
actions authorized under the laws of this State for such a violation. Each day that a
contract, agreement, or arrangement prohibited by this section remains in force or effect

1 shall constitute a separate offense and each offense shall be punishable by a fine of not
2 less than five hundred dollars (\$500.00) and not more than five thousand dollars
3 (\$5,000). An intentional violation of this section is hereby declared to be in violation of
4 G.S. 75-1.1."

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