

Public Utility Commission of Texas Approves Middle Mile Broadband Rule

Enhances expansion of broadband internet to unserved and underserved Texans

AUSTIN, TEXAS – The Public Utility Commission of Texas (PUCT) adopts the first middle mile broadband rule for the state of Texas. The rule permits electric utilities to lease their excess fiber capacity to internet service providers to provide broadband in unserved and underserved areas of Texas.

“Broadband is an essential tool for education, telemedicine, businesses, and more – which is why the State of Texas has prioritized closing the digital divide and ensuring internet access across the Lone Star State,” said Governor Greg Abbott. “The adoption of the first middle mile rule is an incredible achievement for Texas, and it will enhance our efforts to expand broadband access in underserved communities across the state.”

While the PUCT does not regulate broadband service, this rule will help electric utilities, which the PUCT does regulate, partner with internet service providers to expand broadband access to Texans. The middle mile broadband rule is the result of House Bill 3853 by Rep. Doc Anderson – Waco and Senator Charles Perry – Lubbock passed during the 87th Texas Legislature.

The rule contains several ratepayer, consumer, and private property owner protections. Electric utilities cannot pass any costs related to middle mile broadband service to their ratepayers. Utilities also cannot deliver internet service directly to end-use customers on a retail basis. And private property owners who’ve granted easements to electric utilities can protest the use of the easement for middle mile broadband service.

“Access to reliable internet service is a must for Texans in our everyday lives, whether we need it for healthcare, education, work, finding a job, creating a business and many other things,” said Chairman Peter Lake, Public Utility Commission of Texas. “The infrastructure and equipment necessary are already in place, this simply allows collaboration by different industries to tap into it and bring more Texans online.”

The rule defines an unserved area as one or more census blocks, in which 80 percent or more of end-user addresses have no access to broadband service or lack access to reliable broadband service as determined using Federal Communications Commission (FCC) mapping criteria, if available. An underserved areas is defined as one or more census blocks that are not unserved and in which 80 percent or more of end-user addresses in each census block lack access to broadband service with a download speed not less than 100 megabits per second and an upload speed not less than 20 megabits per second or lack access to reliable broadband service with those speeds as determined using FCC mapping criteria, if available.

Electric utilities that contract with internet service providers must submit implementation plans for middle mile broadband service to the PUCT for review and approval as required by the Public Utility Regulatory Act.

The filed order will be posted [HERE](#).

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