

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 1004

TO CREATE THE ARKANSAS POLE ATTACHMENT FAIRNESS ACT; AND TO REGULATE THE METHODS USED BY A PUBLIC UTILITY, A TELECOMMUNICATIONS PROVIDER, AND A VIDEO SERVICE PROVIDER TO ACCESS POLES OWNED BY A MUNICIPAL ELECTRIC UTILITY.

Amendment No. 1 to Senate Bill No. 1004

Amend Senate Bill No. 1004 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 14-200-101(b)(1), concerning the jurisdiction of a municipality over a public utility, is amended to add an additional subdivision to read as follows:

(E)(i) Enter into an agreement with any public utility, telecommunications provider, or video service provider to establish the rates, terms, and conditions for the placement or attachment of wires and related equipment to a pole, duct, or conduit owned or controlled by a city or town for the provision of:

(a) Electric service;

(b) Telecommunications service;

(c) Cable television service;

(d) Internet access service; or

(e) Other related information services.

(ii) The rates, terms, and conditions for the attachments described in subdivision (b)(1)(E)(i) of this section shall be just, reasonable, and nondiscriminatory.

(iii) A fee for the attachments described in subdivision (b)(1)(E)(i) of this section for a public utility, telecommunications provider, or video service provider shall not exceed the greater of the amount in effect on January 1, 1997, or ten dollars (\$10.00) per pole, unless agreed to by the affected parties or approved by the voters of the city or town.

(iv)(a) If a city or town refuses to approve an agreement regarding the attachments described in subdivision (b)(1)(E)(i) of this section within one hundred eighty (180) days of a request by a public utility, telecommunications provider, or video service provider, the refusal is presumed to be unreasonable.

(b) A party affected by a refusal under subdivision (b)(1)(E)(iv)(a) of this section may petition the Arkansas Public Service Commission to establish under § 23-4-1001 et seq. the rates, terms,



and conditions for the attachments described in subdivision (b)(1)(E)(i) of this section."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Woods

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Secretary