

# Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

## Amendment Form

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### Subtitle of House Bill No. 1636

"TO GIVE THE ARKANSAS PUBLIC SERVICE COMMISSION JURISDICTION OVER  
POLE ATTACHMENT AGREEMENTS."

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### Amendment No. 1 to House Bill No. 1636.

Amend House Bill No. 1636 as originally introduced:

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code Title 23, Chapter 4 is amended to add an additional subchapter to read as follows:

23-4-1001. Definitions.

As used in this subchapter:

(1)(A) "Pole attachment" means the attachment of wires and related equipment to a pole, duct, or conduit owned or controlled by a public utility for the provision of:

- (i) Electric service;
- (ii) Telecommunication service;
- (iii) Cable television service;
- (iv) Internet access service; or
- (v) Other related information services.

(B) "Pole attachment" does not mean multiground neutral connections; and

(2)(A) "Public utility" means an electric utility in defined at § 23-1-101, an electric cooperative as defined in § 23-18-201, or a telecommunications provider as defined in § 23-17-403(24).

(B) "Public utility" does not mean a municipal electric utility.

23-4-1002. Nondiscriminatory access for pole attachments.

A public utility shall provide nondiscriminatory access for a pole attachment to:

- (1) An electric utility;
- (2) A telecommunications provider;
- (3) A cable television service; or
- (4) A cable Internet access service.

23-4-1003. Regulation by commission of rates, terms, and conditions.



(a) The Arkansas Public Service Commission shall regulate the rates, terms, and conditions upon which a public utility shall provide access for a pole attachment.

(b)(1) The commission shall develop rules necessary for the effective regulation of the rates, terms, and conditions upon which a public utility shall provide access for a pole attachment.

(2) In developing and implementing the rules under this subsection, the commission shall consider:

(A) The interests of the subscribers of the services offered through pole attachments;

(B) The interests of the consumers of the public utility services;

(C) Maintenance of reliability of public utility services;  
and

(D) Compliance with applicable safety standards.

(3) The commission shall adopt the initial rules under this subsection within one (1) year of the effective date of this act.

(c) Nothing in this section prevents a public utility, an electric utility, a telecommunications provider, a cable television service, or a cable Internet access service from entering into a voluntarily negotiated, written agreement regarding the rates, terms, and conditions upon which access for a pole attachment is provided.

#### 23-4-1004. Authority of commission to hear complaints.

(a) The Arkansas Public Service Commission may hear and determine all complaints arising from:

(1) A public utility's failure or refusal to provide access for a pole attachment;

(2) The inability of a public utility and an entity seeking access for a pole attachment to reach a voluntarily negotiated, written agreement governing access for the pole attachment; and

(3) Disputes between a public utility and an entity over the implementation of an existing contract granting the entity access for a pole attachment.

(b) A public utility shall provide information required for the commission to verify that the costs associated with access for pole attachments provided by the public utility are just and reasonable.

(c)(1) The commission shall resolve any complaint or dispute that the commission may hear under this section within one hundred eighty (180) days after the complaint is filed with the commission.

(2) However, the commission by rule may extend the time to resolve a complaint or dispute for up to three hundred sixty (360) days after the complaint is filed.

#### 23-4-1005. Certification.

Upon the adoption of rules under § 23-4-1003, the Arkansas Public Service Commission shall certify to the Federal Communications Commission that:

(1) The Arkansas Public Service Commission regulates the rates, terms, and conditions of access for pole attachments;

(2) In regulating the rates, terms, and conditions of access for pole attachments, the state considers the interests of the:

(A) Subscribers of service offered by the pole attachments; and

(B) Customers of the public utility; and

(3) The Arkansas Public Service Commission has adopted rules under this subchapter that:

(A) Implement the Arkansas Public Service Commission's regulatory authority; and

(B) Provide that complaints heard by the Arkansas Public Service Commission under this subchapter shall be resolved:

(i) Within one hundred eighty (180) days after the complaint is filed; or

(ii) If the Arkansas Public Service Commission elects to extend the period, not exceeding three hundred sixty (360) days after the complaint is filed."

The Amendment was read \_\_\_\_\_

By: Representative Bond  
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Chief Clerk