Hall of the House of Representatives

86th General Assembly - Regular Session, 2007 **Amendment Form**

Subtitle of House Bill No. 1636

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

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).

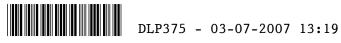
(B) "Public utility" does not mean a municipal electric utility.

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.

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

- - (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	
DLP/RCK - 03-07-2007 13:19	
DLP375	Chief Clerk