

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 1636

4  
5 By: Representative Bond  
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## For An Act To Be Entitled

8  
9 AN ACT TO VEST THE ARKANSAS PUBLIC SERVICE  
10 COMMISSION WITH JURISDICTION OVER POLE ATTACHMENT  
11 AGREEMENTS AND DISPUTES AMONG UTILITIES REGARDING  
12 POLE ATTACHMENTS; AND FOR OTHER PURPOSES.  
13

## Subtitle

14  
15 TO GIVE THE ARKANSAS PUBLIC SERVICE  
16 COMMISSION JURISDICTION OVER POLE  
17 ATTACHMENT AGREEMENTS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 23, Chapter 4 is amended to add an  
23 additional subchapter to read as follows:

24 23-4-1001. Definitions.

25 As used in this subchapter:

26 (1) "Pole attachment" means the attachment of electric  
27 distribution wires and related equipment, telecommunications wires and  
28 related equipment, and cable television system wires and related equipment to  
29 a pole, duct, or conduit owned or controlled by a public utility; and

30 (2) "Public utility" means an electric utility or a telephone  
31 utility subject to the jurisdiction of the Arkansas Public Service Commission  
32 under § 23-4-201.  
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34 23-4-1002. Nondiscriminatory access for pole attachments.

35 (a) A public utility shall provide an electric utility, a  
36 telecommunications carrier, or a cable television system with



1 nondiscriminatory access to any pole, duct, or conduit owned or controlled by  
2 the public utility.

3 (b) Notwithstanding subsection (a) of this section, a public utility  
4 may deny access for a pole attachment on a nondiscriminatory basis when there  
5 is insufficient capacity and for reasons of safety, reliability, or generally  
6 applicable engineering purposes.

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8 23-4-1003. Regulation by commission of rates, terms, and conditions.

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

12 (b)(1) The commission shall develop rules necessary for the effective  
13 regulation of the rates, terms, and conditions upon which access for a pole  
14 attachment is provided.

15 (2) In developing and implementing the rules, the commission  
16 shall consider the interests of the subscribers of the services offered  
17 through pole attachments, the interests of the consumers of the public  
18 utility services, maintenance of reliability of public utility services, and  
19 compliance with applicable safety codes.

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

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

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28 23-4-1004. Authority of commission to hear complaints and disputes.

29 (a) The Arkansas Public Service Commission may hear and determine all  
30 complaints and disputes arising from or relating to:

31 (1) A public utility's failure or refusal to provide access for  
32 pole attachments; and

33 (2) The inability of a public utility and an entity seeking  
34 access for a pole attachment to reach a voluntary, negotiated, written  
35 agreement governing access for the pole attachment.

36 (b)(1) The commission shall resolve any complaint or dispute within

1 one hundred eighty (180) days after the complaint is filed with the  
2 commission.

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

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7 23-4-1005. Certification.

8 Upon the adoption of rules under § 23-4-1003(c), the Arkansas Public  
9 Service Commission shall certify to the Federal Communications Commission  
10 that:

11 (1) The Arkansas Public service Commission regulates the rates,  
12 terms, and conditions of pole attachments; and

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

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

17 (B) Customers of the public utility.

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19 23-4-1006. Applicability.

20 Nothing in this subchapter affects a written agreement entered into  
21 prior to the effective date of this act.

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