

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
4

As Engrossed: H3/15/07

A Bill

HOUSE BILL 1636

5 By: Representative Bond
6
7

For An Act To Be Entitled

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

15 TO GIVE THE ARKANSAS PUBLIC SERVICE
16 COMMISSION JURISDICTION OVER POLE
17 ATTACHMENT AGREEMENTS.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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

29 *(i) Electric service;*

30 *(ii) Telecommunication service;*

31 *(iii) Cable television service;*

32 *(iv) Internet access service; or*

33 *(v) Other related information services.*
34

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



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

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

6
7 23-4-1002. Nondiscriminatory access for pole attachments.

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

10 (1) An electric utility;

11 (2) A telecommunications provider;

12 (3) A cable television service; or

13 (4) A cable Internet access service.

14
15 23-4-1003. Regulation by commission of rates, terms, and conditions.

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

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

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

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

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

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

30 (D) Compliance with applicable safety standards.

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

33 (c) Nothing in this section prevents a public utility, an electric
34 utility, a telecommunications provider, a cable television service, or a
35 cable Internet access service from entering into a voluntarily negotiated,
36 written agreement regarding the rates, terms, and conditions upon which

1 access for a pole attachment is provided.

2
3 23-4-1004. Authority of commission to hear complaints.

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

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

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

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

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

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

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

23
24 23-4-1005. Certification.

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

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

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

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

34 (B) Customers of the public utility; and

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

