

HB 1198 -- MUNICIPAL UTILITY POLES

SPONSOR: Funderburk

This bill revises the term "pole attachment" as it applies to the Uniform Wireless Communications Infrastructure Deployment Act to mean an attachment by an attaching entity, including a video service provider, a telecommunications provider, or other communications-related service provider to a pole owned or controlled by a municipal utility or municipality. Currently, the term means an attachment by a video service provider or a telecommunications or other communications-related service provider to a pole owned by a municipal utility but not a wireless antenna attachment or an attachment by a wireless communications provider to a pole. A municipal utility or municipality may only deny an attaching entity access to the utility's poles on a nondiscriminatory basis only if there is insufficient capacity or for reasons of safety and reliability and if the attaching entity will not resolve the issue.

In the event of a dispute between the parties, either party may also bring an action for review in any court of competent jurisdiction. Currently, either party may seek review by a single arbitrator mutually agreeable to the parties or, in the absence of an agreement, by means of binding arbitration conducted by the American Arbitration Association. Nothing can deny any party the right to a hearing before the court.

The attaching entity may proceed with its attachments during the pendency of the dispute at a rental rate of not more than the current established rate. The attaching entity must comply with applicable and reasonable engineering and safety standards and hold the municipal pole owner or controlling authority of the municipality harmless for any liabilities or damages incurred that are caused by the attaching entity.

These provisions cannot supersede existing pole attachment agreements established prior to the effective date of the bill.