

By Senator Campbell

33-1131-01

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A bill to be entitled
An act relating to utility poles; requiring
each utility using public rights-of-way to
allow apparatus to be attached to its poles and
to provide electric service for the apparatus;
providing an effective date.

WHEREAS, the state's future economic growth and sound
development are dependent upon increased access to Internet
services at affordable prices, and

WHEREAS, it is in the best interest of the people of
Florida that the use of public rights-of-way be maximized for
the enhancement of both public educational and economic
opportunities, and

WHEREAS, state control of pole attachments in all
public rights-of-way is preferable to sole control thereof at
the federal level, since it will allow for the implementation
and enforcement of the open market requirements necessary to
ensure maximum access to all consumers, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) Every utility using public
rights-of-way shall permit the attachment of apparatus to its
poles or to any appurtenance thereof, provided that such
attachment does not interfere with or obstruct the utility
service then being provided or create a safety violation under
existing codes and regulations.

(2) As used in this section, the term:

(a) "Apparatus" includes any electronic device that
both receives and transmits radio signals for the purpose of

1 providing access to wireless voice and data services, either
2 directly or in connection with any other such device.

3 (b) "Attachment" includes the space for the apparatus
4 and, when necessary, appropriate electrical connections to
5 permit usage of the wattage and voltage required for the
6 proper operation of the attached apparatus.

7 (3) The Florida Public Service Commission shall
8 regulate the fairness and reasonableness of the charges,
9 terms, and conditions contained in pole attachment tariffs
10 filed by each utility within 60 days after the effective date
11 of this act, and it may adopt rules for the implementation and
12 enforcement of this section. However, in no event may the
13 method of calculating such tariffs result in an amount that
14 exceeds the pole attachment rate as determined pursuant to s.
15 224 of the Federal Telecommunications Act of 1996.

16 (4) Any electric utility that receives a request to
17 provide electric service to an apparatus attached to its poles
18 or any appurtenance thereof shall provide such service on a
19 nonmetered bases with consumption calculated based on
20 estimated demand and shall impose a single cost-based customer
21 service charge for all apparatus owned by the same entity.
22 Providing electric service includes, but is not limited to,
23 access to electric power at luminaries.

24 Section 2. This act shall take effect July 1, 2001.

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27 SENATE SUMMARY

28 Requires utilities using public rights-of-way to allow
29 apparatus to be attached to their utility poles and, if
30 an electric utility, to provide electric service to the
31 attaching party under specified conditions.