

Bill Number and Title	LB 455, Adopt the Broadband Pole Attachment Act
Bill Issue	Pole Attachments
Introduced by/Hearing Date	Curt Friesen

LB 455

BACKGROUND

Pole attachments have traditionally been regulated federally by the Federal Communications Commission (FCC). However, Congress has recognized that electric cooperatives and PPD’s have an incentive to support the expansion of broadband and advanced telecommunication capability in their communities with reasonable pole attachment rates and access procedures, so they have granted an exemption to these entities from the federal statutes. Currently, PPD’s exemption to FCC oversight is being litigated.

The Nebraska Rural Electric Association has long supported access to rural telecommunication services and opposed any efforts to limit the availability of technology to rural areas. Electric cooperative and PPD boards are responsible for ensuring that the integrity of the distribution lines and poles are maintained. Local regulation of pole attachments ensures that boards and management can facilitate the deployment of cable, telecommunications and broadband services while protecting the critical infrastructure that brings essential power to homes and businesses.

SUMMARY/WRITING BULLET POINTS

LB 455 would:

- Remove a utility’s local decision-making authority over pole attachments. The measure places legislative mandates on the utility and sends disputes to the Public Service Commission.
- Make the electric utility's existing easements available to a communications service provider and would require the utility to, where necessary, obtain an expansion of such easements to accommodate the communications service provider's attachments.
- Require electric utilities to comply with federal FCC regulations.
- Require the electric utility to make ready the poles but would only allow the recovery of the “actual and reasonable costs of advancing the retirement of the existing utility pole.” This language is intended to cover the depreciated value of the utility plant.
- Require the utility to complete make-ready work within 90 days of receipt of the application.
- Allow the communications provider to hang any attachment on the pole as long as it complies with the National Electric Safety Code. The utility cannot require the communications company to comply with any restrictions that are in addition to the NESC.
- Notwithstanding any other provisions of law, LB 455 would allow communication companies to renegotiate any existing pole attachment agreements pursuant to this Act.

POSITION:

THE NREA OPPOSES
THE NPA OPPOSES