

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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|-----------------------|---|
| <b>Action:</b>        | Do Pass as Amended and Be Printed Engrossed         |
| <b>Vote:</b>          | 5 - 0 - 0   |
| <b>Yeas:</b>          | Deckert, George L., Monnes Anderson, Starr, Metsger |
| <b>Nays:</b>          | 0   |
| <b>Exc.:</b>          | 0   |
| <b>Prepared By:</b>   | Janet Adkins, Administrator                         |
| <b>Meeting Dates:</b> | 1/29, 3/21  |

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**WHAT THE MEASURE DOES:** Subjects utility pole attachments by public bodies in public rights of way to regulation by the Public Utility Commission. Requires public bodies to enter into contracts with utility pole owners prior to making attachments to poles or facilities owned by others. Exempts a public body from regulation and the requirement to execute a contract with a utility if the attachment is solely for the public body's own use, for the use of another public body, or for public safety purposes for which no charge is made to any person. Precludes a people's utility district (PUD) from imposing sanctions or being sanctioned for unauthorized or unsafe attachments, but allows a PUD to require payment of actual expenses for such attachments or to be required to make such payments to a pole owner. Specifies operative date of September 1, 2008.

**ISSUES DISCUSSED:**

- Problems created under existing law
- Safety considerations
- No effect of measure on current rulemaking regarding wireless facilities

**EFFECT OF COMMITTEE AMENDMENT:** Expands exemptions for public bodies if attachments are for public safety purposes. Requires public bodies to enter into contracts prior to making attachments to utility poles or facilities owned by others. Exempts people's utility district (PUD) from provisions. Delays operative date to September 1, 2008.

**BACKGROUND:** Oregon law designates the Public Utility Commission (PUC) as responsible for regulating the attachment of wires and cables to utility poles, and requires companies to enter a contract receiving permission from pole or other facility owners prior to construction of attachments. Public bodies are not currently subject to these requirements, although they do generally negotiate fees and conditions with pole owners.

The PUC regulates the rates, terms, and conditions pole owners apply to attachments to ensure that they are just, fair, and reasonable. The commission also responds to complaints, resolves disputes, and applies sanctions related to the construction of attachments. Because public bodies are not subject to attachment regulation, the commission cannot effectively resolve disputes or apply conditions or sanctions in cases where a public body is involved.

Senate Bill 85-A specifies attachment requirements for public bodies in cases where the attachment is for distributing electrical or communication services to customers or the public. Conditions and compensation for attachments, as well as sanctions for unsafe attachments, would be specified in the required contract. The changes in the measure would not affect public bodies when they are constructing systems solely for their own or another public body's uses. People's utility districts requested exemption from the sanction provisions but will still be required to pay any actual damages.

3/26/2007 4:46:00 PM

*This summary has not been adopted or officially endorsed by action of the committee.*