

# Senate Bill 85

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes public bodies providing electricity or communication services subject to utility attachment regulation.

## A BILL FOR AN ACT

1  
2 Relating to utility attachments; amending ORS 757.270, 757.271 and 759.650.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 757.270 is amended to read:

5 757.270. As used in ORS 757.270 to 757.290, unless the context requires otherwise:

6 (1) "Attachment" means any wire or cable for the transmission of intelligence by telegraph,  
7 telephone or television (including cable television), light waves, or other phenomena, or for the  
8 transmission of electricity for light, heat or power, and any related device, apparatus, or auxiliary  
9 equipment, installed upon any pole or in any telegraph, telephone, electrical, cable television or  
10 communications right of way, duct, conduit, manhole or handhole or other similar facility or facili-  
11 ties owned or controlled, in whole or in part, by one or more public utility, telecommunications  
12 utility or consumer-owned utility.

13 (2) "Consumer-owned utility" means a people's utility district organized under ORS chapter 261,  
14 a municipal utility organized under ORS chapter 225 or an electric cooperative organized under ORS  
15 chapter 62.

16 (3) "Licensee" means:

17 (a) *[any]* **A** person, firm, corporation, partnership, company, association, joint stock association  
18 or cooperatively organized association that is authorized to construct attachments upon, along, un-  
19 der or across the public ways; **or**

20 (b) **A public body that is authorized to construct attachments upon, along, under or**  
21 **across the public ways, but only if the public body constructs the attachments for the pur-**  
22 **pose of providing electricity or communication services to customers or members of the**  
23 **public.**

24 (4) **"Public body" has the meaning given that term in ORS 174.109.**

25 [(4)] (5) "Public utility" has the meaning for that term provided in ORS 757.005, and does not  
26 include any entity cooperatively organized or owned by federal, state or local government, or a  
27 subdivision of state or local government.

28 [(5)] (6) "Telecommunications utility" has the meaning for that term provided in ORS 759.005,  
29 and does not include any entity cooperatively organized or owned by federal, state or local govern-  
30 ment or a subdivision of state or local government.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1        **SECTION 2.** ORS 757.271 is amended to read:

2        757.271. (1) Subject to applicable regulations of the Public Utility Commission, a person *[shall]*  
 3 **or licensee may** not establish an attachment to a pole or other facility of a public utility, tele-  
 4 communications utility or consumer-owned utility unless the person **or licensee** has executed a  
 5 contract with and has authorization from the utility allowing the attachment.

6        (2) A licensee shall report all pole attachments to the pole owner. A pole owner may impose on  
 7 a licensee a penalty charge for failing to report an attachment. The pole owner also may charge the  
 8 licensee for any expenses incurred as a result of an unauthorized attachment or any attachment that  
 9 exceeds safety limits established by rule of the commission.

10       **SECTION 3.** ORS 759.650 is amended to read:

11       759.650. As used in ORS 759.650 to 759.675, unless the context requires otherwise:

12       (1) “Attachment” means any wire or cable for the transmission of intelligence by telegraph,  
 13 telephone or television (including cable television), light waves or other phenomena, or for the  
 14 transmission of electricity for light, heat or power, and any related device, apparatus or auxiliary  
 15 equipment, installed upon any pole or in any telegraph, telephone, electrical, cable television or  
 16 communications right of way, duct, conduit, manhole or handhole or other similar facility or facili-  
 17 ties owned or controlled, in whole or in part, by one or more public utility, telecommunications  
 18 utility or people’s utility district.

19       (2) “Licensee” means:

20       (a) *[any]* **A** person, firm, corporation, partnership, company, association, joint stock association  
 21 or cooperatively organized association *[which]* **that** is authorized to construct attachments upon,  
 22 along, under or across the public ways; **or**

23       (b) **A public body that is authorized to construct attachments upon, along, under or**  
 24 **across the public ways, but only if the public body constructs the attachments for the pur-**  
 25 **pose of providing electricity or communication services to customers or members of the**  
 26 **public.**

27       (3) “People’s utility district” means any concern providing electricity organized pursuant to ORS  
 28 261.010 *[and includes]* **or** any entity **that provides electricity and is** cooperatively organized or  
 29 owned by federal, state or local government or a subdivision of state or local government.

30       (4) **“Public body” has the meaning given that term in ORS 174.109.**

31       *[(4)]* (5) “Public utility” has the meaning for that term provided in ORS 757.005, and does not  
 32 include any entity cooperatively organized or owned by federal, state or local government or a  
 33 subdivision of state or local government.

34       *[(5)]* (6) “Telecommunications utility” means any telecommunications utility as defined in ORS  
 35 759.005 and does not include any entity cooperatively organized or owned by federal, state or local  
 36 government, or a subdivision of state or local government.