

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)
Vote:	6 - 0 - 0
Yeas:	Edwards, Girod, Monroe, Starr, Thomsen, Beyer
Nays:	0
Exc.:	0
Prepared By:	Patrick Brennan, Administrator
Meeting Dates:	5/23, 5/28

WHAT THE MEASURE DOES: Requires public body charge private business no less than market rate for access to radio tower if private business uses radio tower to deliver radio communication service, radio paging or cellular communication service.

ISSUES DISCUSSED:

- Competition between county-owned towers and privately-owned towers
- Situations where prices below market rate may be charged
- Ability to retain current rates until current contract expires

EFFECT OF COMMITTEE AMENDMENT: Revises definition of “market rate” by replacing “equal to or greater than” with “comparable to.” Specifies that “private business” does not include a nonprofit emergency services organization. Defines “radio tower.” Deletes reference to public body acting as a radio common carrier for purposes of measure’s provisions.

BACKGROUND: In some parts of the state, federal grants have enabled public bodies to construct public radio towers. Because the public body does not need to recoup the front-end cost of construction, they are able to charge less than the market rate charged by commercial entities. Radio common carriers are regulated by the Public Utility Commission under ORS chapter 759.

House Bill 3415-B specifies that if a public body is the owner of a radio tower it may not charge less than market rate to private businesses for access to the tower for radio, radio paging or cellular service. The measure specifies that the prohibition does not apply to rates charged to nonprofit emergency services organizations.