

[DISCUSSION DRAFT]

114TH CONGRESS
1ST SESSION

H. R. _____

To amend the Communications Act of 1934 to make certain changes with respect to the regulation of pole attachments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Communications Act of 1934 to make certain changes with respect to the regulation of pole attachments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REGULATION OF POLE ATTACHMENTS.**

4 (a) APPLICATION TO FEDERALLY OWNED POLES.—
5 Section 224(a)(1) of the Communications Act of 1934 (47
6 U.S.C. 224(a)(1)) is amended by striking “the Federal
7 Government or”.

1 (b) SCOPE OF NONDISCRIMINATORY ACCESS AND
2 REPORTING REQUIREMENTS.—Section 224(a)(1) of the
3 Communications Act of 1934 (47 U.S.C. 224(a)(1)) is fur-
4 ther amended by striking “Such term” and inserting “Ex-
5 cept in subsections [(f) and (j)][(f), (j), and (k)], such
6 term”.

7 (c) APPLICATION TO ATTACHMENTS BY INCUMBENT
8 LOCAL EXCHANGE CARRIERS.—Section 224(a) of the
9 Communications Act of 1934 (47 U.S.C. 224(a)) is
10 amended by striking paragraph (5).

11 (d) PRESERVATION OF STATE AUTHORITY CONDI-
12 TIONED ON NONDISCRIMINATORY ACCESS REQUIRE-
13 MENT.—Section 224(c)(3) of the Communications Act of
14 1934 (47 U.S.C. 224(c)(3)) is amended—

15 (1) in subparagraph (A), by striking “; and”
16 and inserting a semicolon;

17 (2) in subparagraph (B), by striking the period
18 at the end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(C) unless the rules and regulations described
21 in subparagraph (A) include a requirement for non-
22 discriminatory access that is substantially similar to
23 the requirement of subsection (f).”.

1 (e) REPORTS ON RATES.—Section 224 of the Com-
2 munications Act of 1934 (47 U.S.C. 224) is amended by
3 adding at the end the following:

4 “(j)(1) Each utility that owns or controls a pole, duct,
5 conduit, or right-of-way on which a pole attachment is
6 placed shall submit to the Commission an annual report
7 on the rates charged by the utility for pole attachments.

8 “(2) The requirement of paragraph (1) applies with
9 respect to the first year that begins more than [30 days]
10 after the date of the enactment of this subsection and the
11 following 4 years. The Commission may extend such re-
12 quirement for not more than 5 additional years if the
13 Commission considers such an extension appropriate.”.

14 [(f) REPORTS AND DATABASE ON POLE LOCA-
15 TIONS.—Section 224 of the Communications Act of 1934
16 (47 U.S.C. 224) is further amended by adding at the end
17 the following:]

18 [“(k)(1) Beginning with the first year that begins
19 more than [30 days] after the date of the enactment of
20 this subsection, each utility that owns or controls a pole,
21 duct, conduit, or right-of-way on which a pole attachment
22 is placed shall submit to the Commission an annual report
23 that contains the location of each such pole, duct, conduit,
24 or right-of-way.]

1 **【“(2) The Commission shall maintain a database**
2 **that contains the information submitted under paragraph**
3 **(1) and make such database available to any cable tele-**
4 **vision system, provider of telecommunications service, or**
5 **other entity that constructs or operates broadband facili-**
6 **ties or provides broadband service.】**

7 **【“(3) In this subsection—】**

8 **【“(A) the term ‘broadband facility’ means any**
9 **communications plant, equipment, supplies, cable,**
10 **wire, box, device, meter, tower, pole, duct, conduit,**
11 **or other facility related to the provision of advanced**
12 **telecommunications capability (as defined in section**
13 **706 of the Telecommunications Act of 1996 (47**
14 **U.S.C. 1302)); and】**

15 **【“(B) the term ‘broadband service’ means com-**
16 **munications service that offers advanced tele-**
17 **communications capability (as defined in section 706**
18 **of the Telecommunications Act of 1996 (47 U.S.C.**
19 **1302)).”】**

20 **(g) POLE TOPS PART OF USABLE SPACE.—Section**
21 **224 of the Communications Act of 1934 (47 U.S.C. 224)**
22 **is further amended by adding at the end the following:**

23 **“(1) For purposes of this section, the top of a pole**
24 **shall be considered to be part of the usable space on the**
25 **pole.”.**

1 (h) RULEMAKING ON MAKE-READY COSTS.—Not
2 later than 1 year after the date of the enactment of this
3 Act, the Federal Communications Commission shall—

4 (1) review the rules of the Commission relating
5 to the reasonableness of costs charged by utilities
6 (as defined in section 224(a) of the Communications
7 Act of 1934 (47 U.S.C. 224(a))) for preparing poles,
8 ducts, conduits, and rights-of-way for pole attach-
9 ments (as defined in such section); and

10 [(2) amend such rules as the Commission con-
11 siders appropriate.]

12 (i) EFFECTIVE DATE.—The amendments made by
13 this section (except for the amendment[s] made by
14 subsection[s] (e) [and (f)]) shall apply beginning on the
15 date that is 180 days after the date of the enactment of
16 this Act.