

# STATE OF NEW YORK

8823

2019-2020 Regular Sessions

## IN ASSEMBLY

November 25, 2019

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to requirements for certain contracts for attachments to utility poles and the use of utility ducts, trenches and conduits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 119-a of the public service law, as added by chapter 703 of the laws of 1978, is amended to read as follows:

2 § 119-a. Attachments to utility poles; use of utility ducts, trenches  
3 and conduits. The commission shall prescribe just and reasonable rates,  
4 terms and conditions for attachments to utility poles and the use of  
5 utility ducts, trenches and conduits. A just and reasonable rate shall  
6 assure the utility of the recovery of not less than the additional cost  
7 of providing a pole attachment or of using a trench, duct or conduit nor  
8 more than the actual operating expenses and return on capital of the  
9 utility attributed to that portion of the pole, duct, trench or conduit  
10 used. With respect to cable television and broadband internet attach-  
11 ments and use, such portion shall be the percentage of total usable  
12 space on a pole or the total capacity of the duct or conduit that is  
13 occupied by the facilities of the user. Usable space shall be the space  
14 on a utility pole above the minimum grade level which can be used for  
15 the attachment of wires and cables. With respect to cable television and  
16 broadband internet attachments and use, a contract for attachments to  
17 utility poles and the use of utility ducts, trenches and conduits shall  
18 include all such poles, ducts, trenches and conduits located within a  
19 given census tract.  
20

21 § 2. This act shall take effect on the ninetieth day after it shall  
22 have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13892-02-9