STATE OF NEW YORK

2396

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. WOERNER, DeSTEFANO, MONTESANO, STIRPE, BARRON -- Multi-Sponsored by -- M. of A. HAWLEY, SALKA, TAGUE -- 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:

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:

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

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

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

LBD01209-01-1