STATE OF NEW YORK

5126--A

Cal. No. 581

2023-2024 Regular Sessions

IN SENATE

February 23, 2023

Introduced by Sens. PARKER, COONEY, HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public service law, in relation to attachments to utility poles for broadband service

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 is amended by adding a new subdivision 1-a to read as follows:

1-a. With respect to a broadband internet provider that does not provide regulated telephone service, a pole owner shall not require such broadband internet provider to obtain a certificate of public convenience and necessity under section ninety-nine of this chapter as a condition to making attachments to utility poles solely owned or jointly owned by the pole owner. Notwithstanding the foregoing, nothing in this subdivision shall be construed to confer upon a broadband internet provider that does not provide regulated telephone service any authorization to occupy or use any state or local public right-of-way.

§ 2. This act shall take effect immediately.

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

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