

MAINE STATE LEGISLATURE

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UTILITIES AND ENERGY

Reported by: Report B of the Committee.

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STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 612, L.D. 1616, Bill, "An Act Relating to Pole Attachment Rate Disputes"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 35-A MRSA §711, sub-§§5 to 8 are enacted to read:

5. Maximum rate for cable television service. The maximum total rate that may be prescribed by the commission under this section for any pole attachment used by a cable television system solely to provide cable service may not be more than 10% higher than the average pole attachment rate in the other 5 New England states for an attachment to a pole with the same number of owners and attachments, as determined by the commission pursuant to subsection 6.

6. Rate Survey. The commission shall conduct an annual survey of the rates charged for pole attachments in the 6 New England states. The commission shall calculate the average pole attachment rate in the other 5 New England states for attachments to solely owned and jointly owned poles, with both 2 attachments and 3 attachments.

7. Report. On or before January 15th of each year, the commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over utility matters on the status of pole attachment disputes in the State. The report

COMMITTEE AMENDMENT

2 must include the results of the annual survey and calculations
3 conducted pursuant to subsection 6.

4 8. Existing contracts. This section does not affect
5 agreements between public utilities and cable television systems
6 in effect on the effective date of this subsection.'

8 Further amend the bill by inserting at the end before the
9 statement of fact the following:

10 **FISCAL NOTE**

12 The Public Utilities Commission will incur some minor
13 additional costs to conduct a regional state study and to submit
14 a report to the Legislature. These costs can be absorbed within
15 the commission's existing budgeted resources.'

18 **STATEMENT OF FACT**

20 This amendment, which is one of 2 minority reports of the
21 Joint Standing Committee on Utilities and Energy, replaces the
22 bill. The amendment maintains the Maine Public Utilities
23 Commission's jurisdiction over pole attachment rate disputes but
24 specifies that the maximum rate that may be prescribed by the
25 commission for pole attachments used by a cable television system
26 solely to provide cable service may not be more than 10% higher
27 than the average pole attachment rate in the other 5 New England
28 states.

30 The amendment requires the commission to conduct an annual
31 survey of the pole attachment rates charged in the 6 New England
32 states and to calculate the average pole attachment rate in the
33 other 5 New England states for attachments to solely owned and
34 jointly owned poles, with both 2 attachments and 3 attachments.
35 The amendment also requires the commission to submit an annual
36 report to the Joint Standing Committee on Utilities and Energy on
37 the status of pole attachment rate disputes in the State.

40 Finally, the amendment specifies that existing agreements
41 between public utilities and cable companies are not affected by
42 this legislation.

44 The amendment also adds a fiscal note.