

CONGRESS
1st Session

H. R. 7442

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1977

Mr. WIRTH (for himself, Mr. BROYHILL, Mr. BROWN of Ohio, Mr. BROWN of California, Mr. FLORIO, Mr. GUDGER, Mr. LEGGETT, Mr. MARKEY, Mr. MORRIS of New York, Mr. NEAL, Mr. PATTISON of New York, Mr. PEASE, Mr. PREYER, Mr. ROONEY, Mr. ROSE, Mr. WAXMAN, and Mr. BOB WILSON) introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Communications Act of 1934 to provide for the regulation of utility pole attachments.

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

3 That title II of the Communications Act of 1934 (47 U.S.C.
4 201 et seq.) is amended by adding at the end thereof the
5 following new section:

6 "UTILITY POLE ATTACHMENTS

7 "SEC. 224. (a) As used in this section:

8 "(1) The term 'utility' means any person who pro-
9 vides telephone service or electric energy to the public

1 and who owns or controls poles, ducts, conduits, or
2 rights-of-way used, in whole or in part, for wire com-
3 munication. Such term does not include any corporation
4 or other similar entity owned by the Federal
5 Government.

6 “(2) The term ‘Federal Government’ means the
7 Government of the United States or any agency or
8 instrumentality thereof.

9 “(3) The term ‘pole attachment’ means any at-
10 tachment for wire communication on a pole, duct, con-
11 duit, or other right-of-way owned or controlled by a
12 utility.

13 “(4) The term ‘usable space’ means the space on a
14 utility pole above the minimum grade level which can
15 be used for the attachment of wires and cables.

16 “(b) (1) The Commission shall regulate the rates,
17 terms, and conditions for pole attachments in any case in
18 which such rates, terms, and conditions are not regulated by
19 any State authority.

20 “(2) A just and reasonable rate, whether prescribed by
21 the Commission or by State authority, shall assure the utility
22 the recovery of not less than the additional costs of providing
23 pole attachments nor more than the actual capital and oper-
24 ating expenses of the utility attributable to that portion of

the pole, duct, or conduit used by the pole attachment. Such portion shall be the percentage of the total usable space on a pole, or the total capacity of the duct or conduit, that is occupied by the pole attachment.”.

95TH CONGRESS
1ST SESSION

H. R. 7442

A BILL

To amend the Communications Act of 1934 to provide for the regulation of utility pole attachments.

By Mr. WIRTH, Mr. BROYHILL, Mr. BROWN of Ohio, Mr. BROWN of California, Mr. FLORIO, Mr. GUDGER, Mr. LEGGETT, Mr. MARKEY, Mr. MURPHY of New York, Mr. NEAL, Mr. PATTISON of New York, Mr. PEASE, Mr. PREYER, Mr. ROONEY, Mr. ROSE, Mr. WAXMAN, and Mr. BOB WILSON

MAY 25, 1977

Referred to the Committee on Interstate and Foreign
Commerce