

EXPLANATORY NOTE - POLE ATTACHMENTS ACT OF 2012

This bill seeks to regulate the use of utility poles, related support structures and rights of way for the transmission of TV or telecommunications signals, as well as the rates, terms and conditions for pole attachments under a just and reasonable framework, and hereby authorizing the National Telecommunications Commission as the implementing body.

The 1987 Constitution enshrines the state policy that recognizes the vital role of communication and information in nation-building. This policy can only be realized by providing the consuming public with wider and more affordable access to an improved variety of communication and information services. However, despite an impressive array of technologies and innovations, the cable television and telecommunications industries have been and continue to be handicapped by the unavailability of utility poles and the lack of pole attachment regulations.

The cable television and telecommunications industries have been for several decades employing cables and related transmission equipment to reach the consuming public, thus necessitating utility poles, related support structures and rights of way to facilitate signal distribution. Unfortunately, these require significant financial investments which only a few can afford, such as pole-owning power utilities which in turn pass on the costs to the consuming public. As such, the cable TV operators and telecommunications companies have often been constrained to pay arbitrary and exorbitant pole attachment fees to pole owners. This has ultimately led to unjust enrichment on the part of the pole owner, curtailed service for the attaching entity, and doubled payments by the consuming public.

There is a need, therefore, to regulate the use of utility poles, related support structures and rights of way for the transmission of TV or telecommunications signals, as well as the rates, terms and conditions for pole attachments in order to promote and protect the growth of the cable television and telecommunications industries, and for the ultimate purpose of providing the consuming public with wider and more affordable access to an improved variety of services. The State shall guarantee the right of cable TV operators and telecommunications companies to secure and use their own or to have and maintain access to utility poles, related support structures and rights of way used or useful, in whole or in part, in the transmission of TV or telecommunications signals under a just and reasonable framework.

Hence, the immediate passage of this bill is earnestly sought.