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HOUSE JOINT RESOLUTION NO. 110

Offered January 8, 2020

Prefiled January 8, 2020

Requesting the State Corporation Commission to study the feasibility of requiring telecommunications facilities to be placed underground when overhead electric distribution lines are buried. Report.

Patron—Sullivan

Referred to Committee on Rules

WHEREAS, replacing overhead electric distribution lines with underground lines offers increased system safety and reliability of the utility system; and

WHEREAS, when both electric distribution lines and telecommunications lines are attached to utility poles and the electric distribution line is being buried, communities would reap benefits, regarding both aesthetics and reliability, if the telecommunications lines were buried at the same time; and

WHEREAS, in 2017, the General Assembly enacted legislation that (i) declared that the replacement of certain existing overhead distribution tap lines is in the public interest, (ii) directed an electric utility to provide written notice to any cable operator of a cable television system that has attached its facilities to its poles that will be replaced in a project to underground existing overhead distribution tap lines not less than 90 days prior to relocating the utility's overhead distribution lines, and (iii) established a procedure for negotiating a common shared underground easement; and

WHEREAS, in 2018, the General Assembly amended § 56-466.2 of the Code of Virginia to provide that if the cable operator does not elect to relocate its facilities underground and requests to maintain its facilities overhead, the utility may either (i) convey such poles to the cable operator or (ii) retain ownership of its poles and allow the cable operator's existing overhead facilities to remain attached; and

WHEREAS, the amendment and reenactment of § 56-466.2 of the Code of Virginia in 2018 has not resolved situations where an overhead electric distribution line is being undergrounded and a telecommunications operator whose lines were attached to the poles from which the electric distribution lines are being removed and buried refuses to place its telecommunication lines underground; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the State Corporation Commission be requested to study the feasibility of requiring telecommunications facilities to be placed underground when overhead electric distribution lines are buried.

In conducting its study, the State Corporation Commission shall (i) identify legal, economic, and other barriers to such a requirement and (ii) recommend legislation to address any deficiencies in the existing statutory framework regarding situations where an overhead electric distribution line is being undergrounded and the utility system would benefit from the simultaneous burial of telecommunications lines that were attached to the same poles.

All agencies of the Commonwealth shall provide assistance to the State Corporation Commission for this study, upon request.

The State Corporation Commission shall complete its meetings by November 30, 2020, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2021 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

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