

State Corporation Commission

2024 Session Fiscal Impact Statement

1. Bill Number: HB800

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Herring

3. Committee: Labor and Commerce

4. Title: Public service companies; pole attachments; cable television systems and telecommunications service providers.

5. Summary: Requires a public utility, as defined in the bill, to establish and adhere to pole attachment practices and procedures that comply with certain requirements, including determining whether an attachment request is complete before reviewing such request on its merits, complying with certain timelines, and providing notice of a rearrangement to affected existing attachers. The bill provides that a public utility shall not apportion to a telecommunications service provider or cable television system the cost of replacing a red-tagged pole, as defined in the bill, provided that such utility may apportion to such provider or system the incremental cost of a taller or stronger pole that is necessitated solely by the new facilities of such provider or system. The bill authorizes the State Corporation Commission to enforce its provisions and requires the Commission to resolve disputes involving pole access within 90 days and concerning certain other matters within 120 days.

6. Budget Amendment Necessary: Yes, Item 476.

7. Fiscal Impact Estimates: Fiscal Impact Estimates are Preliminary. See Items 7a and 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2024	\$0	0	N/A
2025	\$298,000	3	NGF (02080)
2026	\$298,000	3	NGF (02080)

8. Fiscal Implications: The State Corporation Commission would be responsible for enforcement of the rules addressing disputes between utilities and telecommunications companies on the timing and the cost of attaching broadband equipment to utility poles owned by a public utility as defined in the bill when such public utility is not subject to FCC jurisdiction.

Additionally, the Commission shall resolve disputes (i) involving pole access, including the allocation of rearrangement costs, within 90 days and (ii) concerning all other matters arising under code section § [56-466.1](#) within 120 days.

There is the potential for an indeterminate, although significant, number of dispute resolution requests either through informal complaints or formal petitions to the Commission. To address such disputes by the deadlines required in the bill, and to administer the enforcement requirements of the bill, it is anticipated that two analysts and one attorney may be needed.

Code § 56-466.1 currently authorizes the Commission to assess reasonable application fees to recover appropriate Commission costs of proceedings.

9. Specific Agency or Political Subdivisions Affected: State Corporation Commission

10. Technical Amendment Necessary: No

11. Other Comments: None