



General Assembly

February Session, 2002

Raised Bill No. 5206

LCO No. 649

Referred to Committee on Energy and Technology

Introduced by:
(ET)

AN ACT CONCERNING NONDISCRIMINATORY ACCESS TO THE PUBLIC RIGHTS OF WAY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 16-247a of the general statutes is
2 amended by adding subdivision (8) as follows (*Effective October 1,*
3 *2002*):

4 (NEW) (8) "Telecommunications rights of way user" means (A) a
5 person certified pursuant to section 16-247g controlling or seeking to
6 control facilities in the public rights of way that are used or intended to
7 be used for the provision of any telecommunications service
8 authorized by section 16-247c, (B) any person authorized by license of
9 the Federal Communications Commission controlling or seeking to
10 control facilities in the public rights of way that are used or intended to
11 be used for transporting interstate telecommunications services and
12 information services, including, but not limited to, wired or wireless
13 Internet, voice or data services or any other similar services licensed by
14 the Federal Communications Commission, or (C) a telephone
15 company.

16 Sec. 2. Section 16-247h of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective October 1, 2002*):

18 The department shall authorize [any certified telecommunications
19 provider] telecommunications rights of way users to install, maintain,
20 operate, manage or control poles, wires, conduits or other fixtures
21 under or over any public highway or street, [for the provision of
22 telecommunications service authorized by section 16-247c,] if such
23 installation, maintenance, operation, management or control is in the
24 public interest, which includes but is not limited to, facilitating the
25 efficient development and deployment of an advanced
26 telecommunications infrastructure, facilitating maximum network
27 interoperability and interconnectivity, and encouraging shared use of
28 existing facilities and cooperative development of new facilities where
29 legally possible and technically and economically feasible. The
30 department shall adopt regulations, in accordance with chapter 54,
31 governing such use of the public right-of-way, including, without
32 limitation, design and construction standards and specifications to
33 protect the public safety and implement the purposes of the goals set
34 forth in sections 16-247a to 16-247c, inclusive, 16-247e to 16-247g,
35 inclusive, as amended, this section and section 16-247j.

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| This act shall take effect as follows: | |
| Section 1 | <i>October 1, 2002</i> |
| Sec. 2 | <i>October 1, 2002</i> |

Statement of Purpose:

To bring state law into conformity with the federal requirement that interstate telecommunications services and other information service providers be permitted nondiscriminatory access to the public rights of way.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]