

CHAPTER 71**(SJR 175)**

A JOINT RESOLUTION facilitating the deployment of broadband internet service to unserved and underserved citizens in the Commonwealth and declaring an emergency.

WHEREAS, access to broadband internet service has become critical for social and economic prosperity because it links the citizens of the Commonwealth to each other and to other parts of the world; and

WHEREAS, the lack of access to broadband internet service, which is predominantly a problem in the rural areas of the Commonwealth, places unserved and underserved citizens in those areas at a significant disadvantage; and

WHEREAS, the National Telecommunications and Information Administration allocated \$1.1 billion to the Commonwealth in the Broadband Equity, Access, and Deployment (BEAD) Program that will be used to deploy broadband internet service to unserved and underserved residents throughout the Commonwealth; and

WHEREAS, another \$157 million will be available for network expansion through the Rural Digital Opportunity Fund and state and local broadband initiatives that will help bring high-speed broadband internet service to every area and every citizen of the Commonwealth, regardless of that citizen's location or household income; and

WHEREAS, broadband internet service providers are motivated to begin deploying broadband internet service to unserved and underserved citizens, which requires attaching the necessary fiber optic cables to utility poles throughout the Commonwealth and comply with the funding and performance guidelines set by the BEAD Program and other government-funded broadband initiatives; and

WHEREAS, since January 5, 2024, the Public Service Commission has been hosting stakeholder meetings on pole attachment delays; and

WHEREAS, every effort must be made by the Public Service Commission to streamline the process and remove unnecessary delays in how attachment requests by broadband service providers are received and processed by the utilities that own the utility poles;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The General Assembly of the Commonwealth of Kentucky hereby directs the Public Service Commission to promulgate emergency administrative regulations pursuant to KRS Chapter 13A on utility pole attachments not later than 60 days after the effective date of this Resolution that shall at a minimum:

(1) Remove any unreasonable utility pole attachment-related impediments to the deployment of broadband service throughout the Commonwealth;

(2) Establish parameters to expedite the processing of pole attachment requests for unserved and underserved areas of the Commonwealth in accordance with the BEAD Program and other government-funded broadband initiatives, as authorized by the bipartisan Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, and other government-funded broadband initiatives;

(3) Reduce the backlog of utility pole attachment requests; and

(4) Direct utilities that own poles to file new tariffs if necessary to conform with the emergency administrative regulations promulgated by the Public Service Commission no later than 60 days after the effective date of the emergency administrative regulations. In promulgating administrative regulations under this section, the Public Service Commission shall ensure that any new or amended administrative regulations are tailored to advance the buildout of broadband service to unserved and underserved areas and does not result in an undue burden in processing pole attachment requests for service in served areas of the Commonwealth.

➔Section 2. The Public Service Commission shall initiate a docket on utility pole attachment issues to receive comments from the affected parties and find resolutions that will expedite utility pole attachment requests and the deployment of broadband throughout the Commonwealth. Small telephone utilities, as defined in KRS 278.516, may elect to participate in this docket either independently or collectively, but shall not be required to participate in this proceeding. The docket shall remain open until all utility pole attachment requests funded by the BEAD

Program, the Rural Digital Opportunity Fund, state broadband grants, and local direct broadband deals are processed and the projects are completed.

➔Section 3. Beginning September 30, 2024, and quarterly thereafter, the Public Service Commission shall issue a report to the Legislative Research Commission for referral to the Interim Joint Committee on Natural Resources and Energy, updating the General Assembly on the progress made in expediting utility pole attachment requests for broadband service.

➔Section 4. Whereas broadband service is critical to the economic prosperity of the Commonwealth, and the timetables for broadband projects funded by the BEAD Program and other government-funded broadband initiatives must be adhered to, an emergency is declared to exist, and this Resolution takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2024.