

Raecker, Chair
Rants
Cataldo

HSB 167
COMMERCE AND REGULATION

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE AND REGULATION BILL
BY CHAIRPERSON METCALF)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to access privileges to certain buildings and
2 structures by certified local exchange carriers and franchised
3 cable television providers.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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200902
7/1/72

1 Section 1. NEW SECTION. 480B.1 ACCESS TO PREMISES --
2 LOCAL EXCHANGE CARRIERS AND CABLE TELEVISION PROVIDERS.

3 1. An owner or manager of a commercial building or
4 multiple-unit residential building under common ownership,
5 control, or management, or a condominium association or board
6 of directors of a condominium association shall not prohibit
7 or prevent a provider from providing service to a customer or
8 subscriber who is a resident of a commercial building,
9 multiple-unit residential building, or condominium, or
10 interfere with a provider providing service to a customer or
11 subscriber who is a resident of a commercial building,
12 multiple-unit residential building, or condominium.

13 2. ~~A provider~~, prior to installation of facilities used to
14 provide service, shall consult with the owner or manager of a
15 commercial building or multiple-unit residential building, or
16 with the condominium association or board of directors of a
17 condominium association to establish points of attachment to
18 the building and the method of attachment associated with
19 providing service to a customer or subscriber. A provider
20 shall design such facilities to minimize adverse effects on
21 the aesthetics of the commercial building, multiple-unit
22 residential building, or condominium, and install such
23 facilities in a manner to provide safe and orderly service.
24 Such facilities shall not threaten public safety, damage fire
25 protection systems, or impair fire-resistive construction or
26 components of a multiple-unit residential building or
27 condominium. Ownership of such facilities remains with the
28 provider.

29 3. A provider is responsible for any repairs to a building
30 required because of the construction, installation,
31 disconnection, or servicing of the provider's facilities.

32 4. For purposes of this section, unless the context
33 otherwise requires:

34 a. "Certified local exchange carrier" means a local
35 exchange carrier issued a certificate of public convenience

1 issued by the utilities board pursuant to section 476.29.

2 b. "Franchised provider of cable television" means a
3 person granted a franchise to provide cable television service
4 by a city pursuant to chapter 364.

5 c. "Provider" means a certified local exchange carrier or
6 a franchised provider of cable television.

7 EXPLANATION

8 This bill provides that an owner or manager of a commercial
9 building or multiple-unit residential building under common
10 ownership, control, or management, or the association or board
11 of directors of a condominium, shall not prohibit or prevent a
12 certified local exchange carrier or a franchised provider of
13 cable television from providing service to a customer or
14 subscriber who is a resident of a commercial building,
15 multiple-unit residential building, or condominium, or
16 interfere with such provider providing service to a customer
17 or subscriber who is a resident of a commercial building,
18 multiple-unit residential building, or condominium. A
19 certified local exchange carrier or a franchised provider of
20 cable television, prior to installation of facilities used to
21 provide service, shall consult with the owner or manager of a
22 commercial building or multiple-unit residential building, or
23 with the association or board of directors of a condominium,
24 to establish points of attachment to the building and the
25 method of attachment associated with providing service to a
26 customer or subscriber.

27 The bill requires a provider to design such facilities to
28 minimize adverse effects on the structure, and to install such
29 facilities in a manner to provide safe and orderly service.
30 The bill provides that the provider maintains ownership of the
31 facilities after installation and is responsible for any
32 repairs to a building required because of the construction,
33 installation, disconnection, or servicing of the provider's
34 facilities.

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Substituted for by SF 8

4/5/99 MAR 2 1999

(P. 1032) Place On Calendar

444

HOUSE FILE
BY COMMITTEE ON COMMERCE
AND REGULATION

WITHDRAWN

(SUCCESSOR TO HSB 167)

H. 5-99

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 444

H-1108

- 1 Amend House File 444 as follows:
- 2 1. Page 1, by inserting after line 32 the
- 3 following:
- 4 "3A. A provider, or the owner or manager of a
- 5 commercial building or multiple-unit residential
- 6 building, or a condominium association or board of
- 7 directors of such association may bring an action in a
- 8 court of competent jurisdiction to determine whether
- 9 compensation for the direct costs of providing repairs
- 10 is required under this section, and if so, the amount
- 11 of the reasonable compensation that should be paid by
- 12 the provider. Bringing an action under this
- 13 subsection shall not delay or prevent a provider from
- 14 establishing points of attachment and providing
- 15 service to a customer or subscriber located within the
- 16 commercial building, multiple-unit residential
- 17 building, or condominium when that customer or
- 18 subscriber has placed an order for, or requested,
- 19 service from the provider."
- 20 2. By renumbering as necessary.

By RAECKER of Polk

H-1108 FILED MARCH 17, 1999

HF 444

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27 condominium. Ownership of such facilities remains with the
28 provider.

29 3. A provider is responsible for the direct costs of
30 providing repairs to a building required because of the
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32 provider's facilities.

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