

1 A JOINT RESOLUTION facilitating the deployment of broadband internet service
2 in the Commonwealth and declaring an emergency.

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

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

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

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

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

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

24 WHEREAS, every effort must be made by the Public Service Commission to
25 streamline the process and remove unnecessary delays in how attachment requests by
26 broadband service providers are received and processed, for the BEAD Program and
27 other government-funded broadband initiatives, by the utilities that own the utility poles;

1 NOW, THEREFORE,

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

3 ➔Section 1. The General Assembly of the Commonwealth of Kentucky hereby
4 directs the Public Service Commission to promulgate emergency administrative
5 regulations pursuant to KRS Chapter 13A on utility pole attachments that pertain to
6 requests in unserved and underserved areas of the Commonwealth associated with the
7 BEAD Program and other government-funded broadband initiatives. The emergency
8 regulation shall be promulgated not later than 45 days after the effective date of this
9 Resolution and shall, at a minimum:

10 (1) Remove any utility pole attachment-related impediments to the deployment of
11 broadband service to unserved and underserved locations throughout the Commonwealth
12 in conjunction with the BEAD Program and other government-funded broadband
13 initiatives;

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

19 (3) Reduce the backlog of utility pole attachment requests associated with the
20 BEAD Program and other government-funded broadband initiatives; and

21 (4) Direct utilities that own poles to file new tariffs to conform with the
22 emergency administrative regulations promulgated by the Public Service Commission no
23 later than 30 days after the effective date of the emergency administrative regulations.

24 ➔Section 2. The Public Service Commission shall initiate a docket on utility pole
25 attachment issues to receive comments from the affected parties and find resolutions that
26 will expedite utility pole attachment requests and the deployment of broadband
27 throughout the Commonwealth associated with the BEAD Program and other

1 government-funded broadband initiatives. Small telephone utilities, as defined in KRS
2 278.516, may elect to participate in this docket either independently or collectively, but
3 shall not be required to participate in this proceeding. The docket shall remain open until
4 all utility pole attachment requests funded by the BEAD Program, the Rural Digital
5 Opportunity Fund, state broadband grants, and local direct broadband deals are processed
6 and the projects are completed.

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

12 ➔Section 4. Notwithstanding any provision of law to the contrary, administrative
13 regulations promulgated by the Public Service Commission on pole attachments that are
14 in effect on the effective date of this Resolution shall apply to pole attachment requests
15 that do not extend broadband service to unserved and underserved areas of the
16 Commonwealth.

17 ➔Section 5. Whereas broadband service is critical to the economic prosperity of
18 the Commonwealth, and the timetables for broadband projects funded by the BEAD
19 Program and other government-funded broadband initiatives must be adhered to, an
20 emergency is declared to exist and this Resolution takes effect upon its passage and
21 approval by the Governor or upon its otherwise becoming a law.