

Arkansas Certifies it has Regulatory Authority Over Pole Attachments; FCC Releases List of Other Certified States

Legal Alert
May 28, 2010

Garvey Schubert Barer Legal Update, May 28, 2010.

The state of Arkansas certified that it has issued and made effective rules and regulations implementing its regulatory authority over pole attachments, including a specific methodology for such regulation which has been made publicly available in that state. See Public Notice, DA 18-893 (rel. May 19, 2010). Certification by a state preempts the FCC from accepting pole attachment complaints under Subpart J of the FCC's rules.

The FCC compiles and publishes a listing of states which provide provided pole attachment certification. The following states have certified that they regulate rates, terms, and conditions for pole attachments, and that they have issued and made effective rules and regulations implementing their regulatory authority over pole attachments, including a specific methodology for such regulation: Alaska, Arkansas, California, Connecticut, Delaware, District of Columbia, Idaho, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, Utah, Vermont, and Washington.