

SENATE BILL NO. 369

INTRODUCED BY SMITH, JACKSON, CURTISS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT RURAL COOPERATIVES USE THE FORMULAS PROVIDED IN POLE ATTACHMENT RULES OF THE FEDERAL COMMUNICATIONS COMMISSION OR SUCCESSOR FORMULAS RELATED TO RATES, TERM, OR CONDITIONS OF POLE ATTACHMENT AGREEMENTS; AMENDING SECTION 35-18-104, MCA; AND PROVIDING AN IMMEDIATE A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 35-18-104, MCA, is amended to read:

**"35-18-104. Exemption from jurisdiction of public service commission -- federal pole regulation.**

Cooperatives and foreign corporations transacting business in this state pursuant to this chapter:  
~~----- (1) are exempt in all respects from the jurisdiction and control of the public service commission of this state; and~~  
~~----- (2) if they operate in a rural area described in 35-18-102(6)(d), shall use the formulas provided in pole attachment rules of the federal communications commission or successor formulas with respect to any matters pertaining to rates, terms, or conditions of any pole attachment agreement between themselves and any pole tenant or lessee made after April 28, 2004."~~

NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 3. Effective date.** [This act] is effective ~~on passage and approval~~ JUNE 30, 2009.

- END -