

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 653, Page 10, Section 67.5104, Line 10,

2 by inserting after all of said line the following:

3 "6. A municipal utility or municipality may, after
4 reasonable notice and an opportunity to cure, revoke a pole
5 attachment permit granted to an attaching entity and require
6 removal of the attachment, with or without fee refund, and impose
7 a penalty as established by the municipal utility or municipality
8 for breach of the pole attachment agreement or permit until the
9 breach is cured, but only in the even of a substantial breach of
10 the terms and material conditions of the pole attachment
11 agreement or permit. A substantial breach by an attaching entity
12 shall be limited to:

13 (1) A material violation of a provision of the pole
14 attachment agreement or permit;

15 (2) An evasion or attempt to evade any material provision of
16 a pole attachment agreement or permit, or the perpetration or
17 attempt to perpetrate any fraud or deceit upon the municipal
18 utility or municipality;

19 (3) A material misrepresentation of fact in the pole
20 attachment agreement or permit application;

21 (4) A failure to complete work by the date specified in the

1 pole attachment agreement or permit, unless an extension is
2 obtained or unless the failure to complete the work is due to
3 reasons beyond the attaching entity's control; or

4 (5) A failure to correct, within the time specified by the
5 municipal utility or municipality, work that does not conform to
6 applicable national safety codes, industry construction
7 standards, or local safety codes that are not more stringent than
8 national safety codes, upon inspection and notification by the
9 municipal utility or municipality of the faulty condition."