

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9293



Introduced by:

HON. CHRISTOPHERSON “COCO” M. YAP

AN ACT
REGULATING UTILITY POLES AND POLE ATTACHMENTS, ENSURING
NONDISCRIMINATORY ACCESS TO POLES AND RELATED SUPPORT
STRUCTURES FOR TELECOMMUNICATIONS AND CABLE SERVICES, PROVIDING
FOR A NATIONAL FRAMEWORK FOR POLE ATTACHMENT RATES AND DISPUTE
RESOLUTION, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Fast and affordable internet, cable, and telecommunications services depend on how quickly and efficiently companies can build their networks. One major problem is access to utility poles, which are needed to carry cables and equipment. In many areas, especially underserved communities, access to these poles is delayed, restricted, or too expensive. When this happens, network expansion slows down, competition is reduced, and consumers end up paying more for poorer service.

This bill seeks to solve that problem by creating clear and fair rules for the use of utility poles. It requires pole owners to allow access to all service providers on equal terms, while still ensuring safety and proper engineering standards. It also sets guidelines so that fees for using poles are fair, reasonable, and transparent, protecting both the pole owners and the companies that rely on them to deliver services.

To avoid long delays and technical confusion, the bill assigns the National Telecommunications Commission (NTC) to handle disputes over pole access and pricing. This ensures that issues are resolved quickly by experts, instead of being tied up in lengthy court cases. With clearer rules and faster decisions, companies can expand their networks more efficiently.

By improving access to shared infrastructure, this measure will help speed up internet and telecom expansion, encourage fair competition, and bring better, more affordable services to the public.

In view of the foregoing, **ug sa ngalan sa SERBISYONG TINUORAY**, the undersigned respectfully requests the immediate passage of this measure.


CHRISTOPHERSON "COCO" M. YAP
Representative, Second District of Southern Leyte

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. — This Act shall be known as the “*Pole Attachments Act.*”

SECTION 2. Declaration of Policy. — It is the policy of the State to promote universal access to reliable and affordable telecommunications and related services by regulating the use of utility poles, related support structures, and controlled rights-of-way used or useful for the attachment of facilities for the transmission of telecommunications and cable television signals.

To this end, the State shall:

- (a) ensure nondiscriminatory access to poles and support structures on just, reasonable, and transparent terms;
- (b) prioritize public safety and network integrity through engineering and safety standards;

- (c) provide a predictable and efficient mechanism for rate-setting and dispute resolution under the National Telecommunications Commission (NTC); and
- (d) encourage infrastructure sharing to reduce unnecessary duplication of poles and to speed up deployment.

SECTION 3. Construction and Interpretation. — This Act shall be liberally construed to carry out its declared policy. In interpreting and applying this Act, due regard shall be given to recognized safety codes, industry standards, and generally accepted engineering principles.

SECTION 4. Definition of Terms. —

- (a) **“Pole Owner”** refers to any person or entity, whether public or private, that owns, controls, operates, or maintains utility poles or related support structures used or useful, in whole or in part, for the attachment of telecommunications or cable facilities, including electric distribution utilities, telecommunications entities, cable television operators, cooperatives, local government entities, and property developers.
- (b) **“Attaching Entity”** refers to any duly authorized telecommunications entity, cable television operator, internet service provider, value-added service provider, or other entity authorized by law or regulation that installs or maintains attachments on poles or related support structures.
- (c) **“Pole Attachment”** refers to any wire, cable, antenna, equipment, facility, or appurtenance attached by an Attaching Entity to a Pole Owner’s pole or related support structure, including attachments made along controlled rights-of-way, for the provision of telecommunications, broadband, or cable television services.
- (d) **“Pole Attachment Fee”** refers to the compensation paid by an Attaching Entity to a Pole Owner for a Pole Attachment, determined under this Act and NTC regulations.
- (e) **“Make-Ready Work”** refers to work necessary to prepare a pole or support structure for a new attachment, including rearrangement, transfer, or replacement of existing attachments to comply with safety and engineering standards.

- (f) **“Pole Premium”** refers to the amount, equivalent to Twelve percent (12%) of the additional maintenance expense, payable to the pole owner as premium for the pole attachment. It forms the other part of the pole attachment fee.
- (g) **“Commission”** refers to the National Telecommunications Commission (NTC).

SECTION 5. National Policy on Pole Attachment Rates; Authority of the NTC. —

- (a) **Just and reasonable rates.** Pole Attachment Fees shall be just, reasonable, transparent, and nondiscriminatory, and shall recover only legitimate costs attributable to pole attachments plus a reasonable return, consistent with public interest.
- (b) **Rate-setting authority.** The NTC shall, after public consultation, issue rules prescribing:
 - 1. A default rate or rate methodology (including allowable cost components and reasonable return);
 - 2. Rules on allocation of costs for Make-Ready Work and pole replacements; and
 - 3. Documentation and audit requirements.
- (c) **Interim rates; refunds.** Pending final determination by the NTC, the NTC may impose **interim rates**, subject to refund or adjustment, to prevent disruption of service.

SECTION 6. Nondiscriminatory Access; Duty to Deal; Permissible Denials. —

- (a) **Duty to provide access.** A Pole Owner shall provide nondiscriminatory access to poles and related support structures it owns or controls to any Attaching Entity that meets technical, safety, and documentary requirements, on terms and conditions that are uniform to similarly situated entities, including the Pole Owner’s affiliates.
- (b) **Permissible denial.** A Pole Owner may deny a requested attachment only on the following grounds, which must be stated in a written notice:
 - 1. Insufficient capacity after application of Make-Ready Work that is reasonable and feasible;

2. Violation of safety standards or engineering requirements;
3. Material risk of impairment to public safety or to the Pole Owner's service;
or
4. Failure of the applicant to meet NTC registration/authorization or documentary requirements.

(c) **First-offer right after denial.** If capacity later becomes available, the Pole Owner shall notify the previously denied Attaching Entity and give it a reasonable opportunity to proceed, before offering the capacity to another entity, including the Pole Owner's affiliates.

(d) **Emergency removals.** Emergency removals are allowed for immediate safety threats, provided the Pole Owner gives prompt notice and coordinates restoration or relocation consistent with NTC rules.

SECTION 7. Make-Ready Work; Allocation of Costs; Timelines. —

- (a) The NTC shall prescribe Make-Ready Work standards, including timelines for surveys, issuance of permits, scheduling, completion, and inspection.
- (b) Unless otherwise determined by the NTC, Make-Ready Work costs shall be allocated based on:
 1. Causation (who necessitated the work);
 2. Benefit (who benefits from the upgrade/replacement); and
 3. Fairness and non-discrimination.

SECTION 8. Submission of Contracts; Transparency. — Pole Owners shall submit to the NTC, in the form and manner prescribed, copies or templates of pole attachment agreements and schedules of rates offered to Attaching Entities, subject to protection of legitimate confidential business information. The NTC may require publication of standardized terms to promote transparency.

SECTION 9. Primary Jurisdiction; Dispute Resolution. —

- (a) **NTC primary jurisdiction.** The NTC shall have primary jurisdiction over disputes arising from or related to Pole Attachments, including disputes on rates, access, denials, Make-Ready Work, removal, safety compliance, and contract terms.

(b) **Expedited procedure.** The NTC shall promulgate an expedited procedure for pole attachment disputes, including deadlines for position papers, technical conferences, and issuance of orders.

(c) **Provisional relief.** The NTC may issue provisional orders to prevent service disruption or imminent safety risks, subject to due process.

SECTION 10. Government Use of Poles; Public Safety. — Nothing in this Act shall be construed to diminish existing rights of the Government and local governments to utilize pole space for public safety, police, fire alarm, and other government communications under franchise conditions and subject to safety and service requirements, with fair compensation where required by law or franchise terms.

This policy is consistent with long-standing franchise clauses allowing government use of poles without compensation within safety/service limits.

SECTION 11. Enforcement; Administrative Penalties. —

(a) Upon complaint or motu proprio, and after due notice and hearing, the NTC may impose administrative penalties for violations of this Act or its rules, including:

1. Orders to comply, rectify, or restore access;
2. Administrative fines per violation/per day of continuing violation, within limits set by NTC rules;
3. Suspension or modification of authority to attach, for repeated or willful violations; and
4. Such other measures as may be necessary to protect public interest, safety, and continuity of service.

(b) Administrative enforcement shall be without prejudice to civil and criminal liabilities under existing laws.

SECTION 12. Implementing Rules and Regulations. — Within **ninety (90) days** from effectivity, the NTC shall promulgate the implementing rules and regulations of this Act after public consultation. The rules shall cover, at minimum: rate methodology, Make-Ready Work, safety standards, capacity allocation, dispute procedures, and contract transparency.

SECTION 13. Appropriations. — The amounts necessary to implement this Act shall be charged against the current appropriations of the NTC. Thereafter, such sums as may be necessary shall be included in the annual General Appropriations Act.

SECTION 14. Transitory Provision. — Existing pole attachment agreements shall remain effective according to their terms: *Provided*, That renewals, amendments, extensions, and new attachments after effectivity shall conform to this Act and the NTC's implementing rules. The NTC may order conformity of existing agreements to nondiscrimination and safety standards within a reasonable transition period.

SECTION 15. Separability Clause. — If any provision of this Act is declared invalid or unconstitutional, other provisions not affected shall remain in full force and effect.

SECTION 16. Repealing Clause. — All laws, rules, and regulations inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 17. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,