

AMENDED IN SENATE APRIL 6, 2005

**SENATE BILL**

**No. 664**

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**Introduced by Senator Morrow**

February 22, 2005

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An act to amend Section ~~302~~ 7901 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 664, as amended, Morrow. ~~Public Utilities Commission~~ *utilities: telegraph and telephone lines.*

~~Section 1 of Article XII of the California Constitution prescribes the membership, method of appointment, the term for which vacancies are filled, and the method of removal of, members of the Public Utilities Commission.~~

~~Existing law requires each commissioner, before entering upon the duties of the office, to take and subscribe the constitutional oath of office.~~ *permits telegraph or telephone corporations to construct telegraph or telephone lines, as defined, along and upon any public road or highway, along or across any of the waters or lands within the state, and to erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines.*

~~This bill would make a technical, nonsubstantive change to the latter provision~~ *provide that this authorization does not apply to the construction or placement of towers, facilities, or other wireless repeaters, amplifiers, regenerative repeaters, or regenerators, to provide mobile telephony services, as defined.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 302 of the Public Utilities Code is~~  
2 ~~amended to read:~~

3     ~~302. Each commissioner shall, before entering upon the~~  
4 ~~duties of his or her office, take and subscribe the constitutional~~  
5 ~~oath of office.~~

6     ~~SECTION 1. Section 7901 of the Public Utilities Code is~~  
7 ~~amended to read:~~

8     7901. (a) Telegraph or telephone corporations may construct  
9 lines of telegraph or telephone lines along and upon any public  
10 road or highway, along or across any of the waters or lands  
11 within this State, and may erect poles, posts, piers, or abutments  
12 for supporting the insulators, wires, and other necessary fixtures  
13 of their lines, in such manner and at such points as not to  
14 incommode the public use of the road or highway or interrupt the  
15 navigation of the waters. *This section does not apply to the*  
16 *construction or placement of towers, facilities, or other wireless*  
17 *repeaters, amplifiers, regenerative repeaters, or regenerators, to*  
18 *provide mobile telephony services.*

19     (b) *For purposes of this section, “mobile telephony services”*  
20 *means commercially available interconnected mobile phone*  
21 *services that provide access to the public switched telephone*  
22 *network (PSTN) via mobile communication devices employing*  
23 *radiowave technology to transmit calls, including cellular*  
24 *radiotelephone, broadband Personal Communications Services*  
25 *(PCS), and digital Specialized Mobile Radio (SMR).*