

## CHAPTER 238

## CABLE COMMUNICATIONS

238.25 Procedure.  
238.37 Scope; pole, duct, and conduit agreements.

238.38 Permit to attach to pole or conduit system.  
238.42 Additional contract terms.

**238.25 PROCEDURE.**

*[For text of subds 1 to 9, see M.S.2004]*

Subd. 10. **Final certificate.** Upon completion of the proceedings, the attorney for the person operating the cable communications system shall make a certificate describing the access acquired and the purpose or purposes for which acquired, and reciting the fact of final payment of all awards or judgments in relation thereto. The certificate must be filed with the court administrator and a certified copy thereof recorded with the county recorder. The record is notice to all parties of the access to the premises described in the petition.

*[For text of subd 11, see M.S.2004]*

**History:** 2005 c 4 s 33

**238.37 SCOPE; POLE, DUCT, AND CONDUIT AGREEMENTS.**

Sections 238.02, subdivisions 3a, 20a, and 31b, and 238.37 to 238.42 only apply to pole, duct, and conduit agreements entered into or renewed between public utilities and cable communications systems on or after January 1, 1976, and have no application to those agreements executed before January 1, 1976, until those agreements are either renewed or substantially renegotiated. If a public utility company and a cable communications system enter into an agreement regarding only pole attachments, sections 238.02, subdivisions 3a, 20a, and 31b, and 238.37 to 238.42 relating to conduit systems are applicable to that agreement and if a public utility company and a cable communications system enter into an agreement regarding only use of a conduit system, sections 238.02, subdivisions 3a, 20a, and 31b, and 238.37 to 238.42 relating to pole attachments are not applicable to that agreement.

**History:** 2005 c 10 art 1 s 36

**238.38 PERMIT TO ATTACH TO POLE OR CONDUIT SYSTEM.**

Every pole, duct, and conduit agreement must contain a provision that before attaching to the public utility company's poles or occupying any part of the public utility's conduit system, the cable communications system shall apply and receive a permit for that purpose on a form provided by the public utility company. If the cable communications system accepts the permit, it may attach its equipment to the poles covered by the permit or occupy the conduit system of the public utility to the extent authorized by the permit, subject to sections 238.02, subdivisions 3a, 20a, and 31b, and 238.37 to 238.42 and the terms of the agreement between the contracting parties. In granting or denying a permit, the public utility has the right to determine whether a grant of a permit would adversely affect its public services, duties, and obligations or have an adverse effect on the economy, safety, and future needs of the public utility.

**History:** 2005 c 10 art 1 s 37

**238.42 ADDITIONAL CONTRACT TERMS.**

Nothing contained in sections 238.02, subdivisions 3a, 20a, and 31b, and 238.37 to 238.42 in any way prohibits a public utility company from including in its pole, duct, and conduit agreements with cable communications systems additional terms which do not conflict with sections 238.02, subdivisions 3a, 20a, and 31b, and 238.37 to 238.42.

**History:** 2005 c 10 art 1 s 38