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**OPPOSING THE FOLLOWING LEGISLATION**  
**S6310 and A2368 (Senator Hinchey and Assemblymember Stirpe)**  
**Senate Committee on Energy & Telecommunications**  
**Assembly Energy Committee**

The New York State Telecommunications Association (NYSTA), whose membership includes over forty telecommunications carriers from large carriers to many of the smaller incumbent carriers serving some of the most rural areas of the state, **OPPOSES** the above-referenced legislation. This legislation if enacted would require the New York State Public Service Commission to study the height of overhead utility and communication lines to determine whether the existing National Electric Safety Code (NESC) standards are “sufficient with the increased size of agricultural equipment and other off-road heavy-duty equipment to ensure safe passage of such equipment under such line and cables.” If enacted, this legislation would be an impediment on NYSTA members and our goal of aggressively deploying, maintaining and sustaining Broadband networks for marginalized communities, the unserved and underserved throughout New York State.

NYSTA supported the Governor’s ConnectALL initiative that will expedite the deployment of fiber across New York State to provide access to high-speed broadband service for all New Yorkers. It is a necessity in today’s world. That said, this legislation could impede this nation-leading initiative. While this legislation calls for a study, the wording of the legislation suggests what the finding of the study will be, and if the study did find that the current standards aren’t sufficient, New York would require utilities to absorb the cost of implementing New York specific requirements. The cost that could arise from replacement of poles for not being able to accommodate higher telecommunication lines would be prohibitively expensive and would divert critical capital funds from deploying fiber when instead, the state should be nurturing and supporting companies striving to connect all New Yorkers with high-speed broadband

We also don’t believe that legislation is necessary to address this issue. We believe this is something that can easily be addressed and resolved by working with the regulated utilities and the farmers to see where the issues may be. It is important to note that NYSTA already works with our farm customers, including large, medium and small agricultural operations, to ensure that our facilities do not impact their daily operations. Broadband connectivity is critical in many of today’s Agricultural operations. It is why we continuously communicate with our agricultural partners to ensure that whatever concerns they may have are addressed reasonably and fairly. We have been proud of this collaborative relationship. That is why we are extremely concerned about this bill. This proposal undermines this sound working relationship and puts future investments at risk.

As noted, NYSTA is also concerned that this bill will create a New York specific standard. Before taking action, New York should discuss this issue with the Institute of Electrical and Electronics Engineers (IEEE), the body that promulgates the NESC, whose national standards would need to be modified. The NESC is the “gold standard” and any changes should come from the NESC and not the New York State Public Service Commission.

It is for the above reasons that NYSTA believes the proposed legislation is regressive, not productive and detrimental to expanding and deploying Broadband to our communities. **NYSTA OPPOSES this legislation.**