

SENATE CONCURRENT RESOLUTION NO. 26
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Introduced: 4/9/98
Referred: Judiciary

A RESOLUTION

1 Relating to the policy on use of a state right-of-way for fiber-optic cables.

2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 WHEREAS art. VIII, sec. 17, Constitution of the State of Alaska, provides that
4 regulations governing the use or disposal of natural resources shall apply equally to all persons
5 similarly situated; and

6 WHEREAS sec. 253(c) of the Federal Telecommunications Act of 1996 provides that
7 state government may require fair and reasonable compensation from telecommunications
8 providers on a competitively neutral and nondiscriminatory basis; and

9 WHEREAS the Alaska Railroad, consistent with its mandate to obtain value for its
10 resources, has obtained right-of-way lease terms from fiber-optic cable providers based on
11 market value; and

12 WHEREAS the Department of Natural Resources appears to support a fiber-optic
13 cable right-of-way pricing policy that fails to seek lease terms based on market value;

14 BE IT RESOLVED that the Alaska State Legislature declares that it is its wish that
15 the state provide a stable and appropriate regulatory environment to give fiber-optic cable
16 projects the best opportunity to compete with one another on a neutral and nondiscriminatory
17 basis; and be it

1 **FURTHER RESOLVED** that the Alaska State Legislature supports efforts to provide
2 such a regulatory environment; and be it

3 **FURTHER RESOLVED** that it is the wish of the Alaska State Legislature that the
4 state obtain value for its right-of-way resources; and be it

5 **FURTHER RESOLVED** that Governor Tony Knowles is respectfully requested to
6 consider and to report to the legislature efforts to ensure that use of a state right-of-way for
7 fiber-optic cable is priced based on market value and that the state policy on this subject does
8 not give undue advantage to one fiber-optic cable provider over another.