

**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:** *1985 c 285 s 38; 2004 c 261 art 7 s 28; 2005 c 10 art 1 s 37*