



Senate

General Assembly

File No. 348

February Session, 2026

Substitute Senate Bill No. 321

Senate, April 2, 2026

The Committee on Energy and Technology reported through SEN. NEEDLEMAN of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING REQUIREMENTS FOR CERTAIN EXCAVATION PROJECTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-330g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2026*):

3 (a) On or before January 1, [2022] 2027, the Public Utilities Regulatory
4 Authority shall initiate an uncontested proceeding to develop a process
5 for the [construction of] approval of any application by a
6 telecommunications service provider or a broadband Internet access
7 service provider to construct underground facilities in [the public
8 highways, streets or other public rights-of-way to ensure] a public
9 highway, street or other public right-of-way that will contain conduit
10 used by a telecommunications service provider or a broadband Internet
11 access service provider. The process adopted by the authority shall
12 provide for timely and nondiscriminatory procedures [that accomplish]
13 concerning conduit excavations for telecommunications service

14 providers and broadband Internet access service providers. Upon
15 application by [the] a telecommunications service provider or a
16 broadband Internet access service [providers] provider for the
17 construction of such underground facilities, [that will contain conduit
18 for telecommunications service providers or broadband Internet access
19 service providers,] the Public Utilities Regulatory Authority shall
20 condition any approval of such application on the following:

21 (1) The size of such conduit shall be consistent with industry best
22 practices and sufficient to accommodate potential demand for such
23 services as set forth by the applicant;

24 (2) Any handholes and manholes for fiber optic cable access and
25 pulling with respect to each such practice shall be placed at intervals
26 consistent with industry best practices;

27 (3) Such conduit shall be installed with a pull tape and [capabilities]
28 be capable of [supporting] accommodating additional fiber optic cable
29 installed for use by other telecommunications service providers and
30 broadband Internet access service providers;

31 [(4) The applicant shall notify telecommunications service providers
32 and broadband Internet access service providers of the proposed
33 excavation to reduce the potential for future street excavations in the
34 same location;]

35 [(5)] (4) Any requesting telecommunications service provider or
36 broadband Internet access service provider shall be able to access such
37 conduit on a competitively neutral and nondiscriminatory basis and for
38 a charge not to exceed a cost-based rate;

39 [(6)] (5) The applicant shall report to the authority upon completion
40 of any approved construction [verifying that it] and certify, in a form
41 and manner prescribed by the authority, that the applicant has complied
42 with the provisions of this subsection; [and]

43 (6) The applicant shall comply with the provisions of section 16-233
44 concerning the use of such underground facilities by a town, city,

45 borough, fire district or the Department of Transportation; and

46 (7) Any other condition deemed prudent and reasonable by the
47 authority.

48 (b) For excavations in [the] any state highway [rights-of-way] right-
49 of-way, the applicant shall comply with [the Department of
50 Transportation's] any encroachment permit process adopted by the
51 Commissioner of Transportation, including the payment of any
52 applicable fees. [Any application for construction in the public
53 highways, streets or other public rights-of-way shall require the
54 applicant to install a conduit for the benefit of the Department of
55 Transportation, as required by section 16-233.]

56 (c) The Commissioner of Transportation is authorized to lease space,
57 or enter into any other contract or agreement to permit access to such
58 space, in any conduit installed by the Department of Transportation [in
59 the public highways, streets or other public rights-of-way] pursuant to
60 the provisions of this section or section 16-233 in, under or over any
61 public highway, street or other public right-of-way on such terms and
62 conditions, and for any purpose, deemed to be in the public interest by
63 [said] the commissioner.

64 (d) Nothing in this section shall be construed to limit the use of
65 conduit by the Department of Transportation on [public highways,
66 streets or other public rights-of-way] any public highway, street or other
67 public right-of-way as otherwise permitted by law.

68 (e) [All telecommunications service providers and broadband
69 Internet access service providers that are] Any telecommunications
70 service provider or broadband Internet access service provider
71 authorized by the authority to install facilities in, under or over [the
72 public highways, streets or other public rights-of-way] any public
73 highway, street or other public right-of-way shall obey, observe and
74 comply with this section and [each] any applicable order [made by] of
75 the authority [with respect to] concerning underground conduit.
76 [Failure] The authority may impose a civil penalty pursuant to the

77 provisions of section 16-41 against any telecommunications service
 78 provider or broadband Internet access service provider that fails to
 79 comply with the provisions of this section or [applicable orders of the
 80 authority may result in a civil penalty levied by the authority in
 81 accordance with section 16-41. Any] any order of the authority made
 82 pursuant to this section. No such [fines] civil penalty shall [not] be
 83 recoverable costs in any rate proceeding conducted by the authority.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2026	16-330g

ET *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill requires the Public Utilities Regulatory Authority (PURA) to develop a process for telecommunications service providers and broadband Internet access service providers to apply for approval to build underground facilities in various locations. This does not result in a cost to PURA as they have a similar process in place and have the staff and expertise necessary to complete the requirements of the bill.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 321****AN ACT CONCERNING REQUIREMENTS FOR CERTAIN EXCAVATION PROJECTS.****SUMMARY**

This bill requires the Public Utilities Regulatory Authority (PURA) to develop a process, substantially similar to the one it has already developed, for telecommunications service providers and broadband Internet access service providers to apply for PURA's approval to build underground facilities in public highways, streets, or other public rights of way.

However, unlike the current process, the new process developed under the bill does not have to require an applicant to (1) notify other telecommunications service providers and broadband Internet access service providers about the proposed excavation or (2) install a conduit for the Department of Transportation's (DOT) benefit. The bill also requires applicants to comply with the existing "municipal gain" law, which generally gives municipalities the right to use a space in a conduit for any purpose and for free.

The bill also makes numerous minor and technical changes.

EFFECTIVE DATE: October 1, 2026

NEW PROCEEDING AND PROCESS

Current law generally required PURA, by January 1, 2022, to initiate an uncontested proceeding to develop a process for building facilities in public highways, streets, or other public rights of way to ensure timely and nondiscriminatory procedures that accomplish conduit excavations for telecommunications service providers and broadband providers.

The bill instead requires PURA, by January 1, 2027, to initiate an

uncontested proceeding to develop a process for approving any application by a telecommunications service provider or broadband provider to build underground facilities in a public highway, street, or other public right of way that will hold a conduit used by the provider. As with the previous proceeding, the new process must include timely and nondiscriminatory procedures for the conduit excavations.

Current law specifies certain requirements that PURA must impose on applicants looking to build underground facilities that will have conduits for telecommunications service providers or broadband providers. For example, PURA must require that handholes and manholes for fiber optic cable access and pulling be placed at intervals consistent with industry best practices.

The bill requires substantially similar provisions to apply to applicants under the new procedure PURA must develop. For example, under current law, PURA must require the conduit's size to be consistent with industry best practices and sufficient to meet potential demand, but the bill further specifies that this is for the potential demand for the applicant's services.

However, the bill removes a requirement for the applicant to notify other telecommunications service providers and broadband providers about the proposed excavation to reduce the potential for future street excavation in the same location. It also removes a requirement for an applicant to install a conduit for DOT's benefit.

Municipal Gain Law

The bill requires an applicant to comply with an existing law that generally gives municipalities and DOT the right to occupy and use for any purpose, and for free, one gain (location to place a wire) on each public utility pole or in each underground communications duct system installed by a public service company within the municipality's limits.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/17/2026)