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**SENATE COMMITTEE AMENDMENTS**

2020 Regular Session

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 406 by Senator Mizell

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1 AMENDMENT NO. 1

2 On page 1, delete line 2 and insert "To amend and reenact R.S. 12:401, 403(4), 428, and 430,  
3 relative to rural access"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "cooperatives" insert "and electric utilities"

6 AMENDMENT NO. 3

7 On page 1, delete line 10 and insert: "Section 1. R.S. 12:401, 403(4), 428, and 430 are  
8 hereby amended and"

9 AMENDMENT NO. 4

10 On page 1, after line 17, insert asterisks "\* \* \*"

11 AMENDMENT NO. 5

12 Delete pages 2 and 3 and on page 4, delete lines 1 through 3 and 21 through 29 and on page  
13 5, delete line 1

14 AMENDMENT NO. 6

15 On page 5, line 16, after "**cooperative**" insert "**or electric utility**"

16 AMENDMENT NO. 7

17 On page 5, line 18, after "**cooperative**" insert "**or electric utility**" and after "**cooperative's**"  
18 insert "**or electric utility's**"

19 AMENDMENT NO. 8

20 On page 5, line 21, after "**cooperative's**" insert "**or electric utility's**"

21 AMENDMENT NO. 9

22 On page 5, delete lines 23 through 25 and insert "**the additional consent from anyone**  
23 **having an interest in the property upon which the electric cooperative's or electric**  
24 **utility's electric delivery system is located.**"

25 AMENDMENT NO. 10

26 On page 5, line 26, after "**cooperative's**" insert "**or electric utility's**"

27 AMENDMENT NO. 11

28 On page 6, line 3, change "**R.S. 12:422**" to "**R.S. 12:430(G)**"

29 AMENDMENT NO. 12

30 On page 6, between lines 3 and 4 insert the following:

1 "(3) For the purposes of this Subsection, "electric utility" shall have the  
2 same meaning as provided in R.S. 12:430.

3 \* \* \*

4 AMENDMENT NO. 13

5 On page 6, delete lines 7 through 22 and insert:

6 "A. As used in this Section:

7 (1) "Cooperative" or "electric cooperative" means a corporation  
8 organized under this Part and a corporation which becomes subject to this Part  
9 in the manner hereinafter provided.

10 (2) "Broadband affiliate" or "affiliate" means any entity that meets all  
11 of the following criteria:

12 (a) Is wholly or partially owned by an electric cooperative or electric  
13 utility.

14 (b) Is formed to own or operate a broadband system or provide  
15 broadband high-speed Internet services.

16 (3) "Broadband service provider" means an entity that provides  
17 broadband services to others on a wholesale basis or to end-use customers on  
18 a retail basis.

19 (4) "Broadband operator" means a broadband service provider that  
20 owns or operates a broadband system on an electric cooperative's or electric  
21 utility's electric delivery system with the electric cooperative's or electric  
22 utility's consent.

23 (5) "Broadband services" means any service that consists of or includes  
24 the provision of or connectivity to a high-speed, high-capacity transmission  
25 medium that can carry signals from or to multiple sources and that does either  
26 of the following:

27 (a) Is used to provide access to the Internet.

28 (b) Provides computer processing, information storage, information  
29 content or protocol conversion, including any service applications or  
30 information service provided over such high-speed access service. As used in  
31 this Part, "broadband services" shall also include video services, voice over  
32 Internet protocol services, any wireless services, and Internet protocol-enabled  
33 services.

34 (6) "Broadband system" means the fiber, cables, materials, equipment,  
35 and other facilities that are used or useful for the provision of broadband  
36 services.

37 (7) "Electric delivery system" means the poles, lines, materials,  
38 equipment, easements, and other facilities or properties used by an electric  
39 cooperative or electric utility.

40 (8) "Electric utility" means a privately owned electric utility, investor-  
41 owned utility, or public utility as defined in R.S. 45:1161.

42 (9) "Internet protocol-enabled services" means any service, capability,  
43 functionality, or application provided using Internet protocol, or any successor  
44 protocol, that enables an end-user to send or receive a communication in  
45 Internet protocol format, or any successor format, regardless of whether the  
46 communication is voice, data, or video.

47 (10) "Video services" means video programming services without regard  
48 to delivery technology, including Internet protocol technology, Internet protocol  
49 television, voice over Internet protocol services, and video programming  
50 provided as a part of a service that enables users to access content, information,  
51 email, or other services offered over the public Internet.

52 (11) "Video programming" means any programming generally  
53 considered comparable to programming provided by a television broadcast  
54 station or others.

55 (12) "Voice over Internet Protocol services" means any service that does  
56 all of the following:

1           **(a) Enables real-time, two-way voice communications that originate from**  
2 **or terminate to the user's location in Internet protocol or any successor**  
3 **protocol.**

4           **(b) Uses a broadband connection from the user's location.**

5           **(c) Permits users to access the technology.**

6           **B. Only in an area where broadband service is not available, an electric**  
7 **cooperative or electric utility may allow a broadband affiliate or other**  
8 **broadband operator to own, lease, construct, maintain, or operate a broadband**  
9 **system on the electric cooperative's or electric utility's electric delivery system**  
10 **or other parts of its electric delivery system."**

11 AMENDMENT NO. 14

12 On page 6, line 23, change "D." to "C." and after "cooperative" insert "or electric utility"

13 AMENDMENT NO. 15

14 On page 6, line 24, change "Part" to "Section" and after "cooperative" insert "or electric  
15 utility"

16 AMENDMENT NO. 16

17 On page 6, line 27, after "cooperative" insert "or electric utility"

18 AMENDMENT NO. 17

19 On page 6, line 28, change "an unaffiliated" to "any other" and change "Part" to "Section"

20 AMENDMENT NO. 18

21 On page 6, line 29, after "cooperative" insert "or electric utility"

22 AMENDMENT NO. 19

23 On page 7, line 1, change "unaffiliated" to "other"

24 AMENDMENT NO. 20

25 On page 7, delete lines 2 through 4 and insert:

26           **"(3) The electric cooperative or electric utility shall provide an**  
27 **application form. The form shall include the criteria for consideration, permit**  
28 **costs, and a deadline for submitting the application. Within sixty days of**  
29 **receiving the application, the electric cooperative or electric utility shall notify**  
30 **the applicant in writing whether his application has been approved or denied."**

31 AMENDMENT NO. 21

32 On page 7, line 5, after "cooperative" insert "and electric utility"

33 AMENDMENT NO. 22

34 On page 7, line 6, change "E." to "D." and after "cooperative" insert "or electric utility"  
35 and change "an unaffiliated" to "other"

36 AMENDMENT NO. 23

37 On page 7, line 9, change "unaffiliated" to "other"

1 AMENDMENT NO. 24

2 On page 7, line 11, after "cooperative" insert "or electric utility"

3 AMENDMENT NO. 25

4 On page 7, delete lines 12 through 15, and insert "cooperative's or electric utility's poles  
5 shall include a pole attachment fee to be paid by the affiliate to the electric cooperative  
6 or electric utility. Any fee charged shall be the same as the pole attachment fee charged  
7 by the electric cooperative or electric utility to any other broadband operator."

8 AMENDMENT NO. 26

9 On page 7, delete line 16 and insert: "E. Neither an electric cooperative nor an electric  
10 utility shall do any of the following:"

11 AMENDMENT NO. 27

12 On page 7, line 18, change "unaffiliated" to "other"

13 AMENDMENT NO. 28

14 On page 7, line 28, change "G." to "F." and after "cooperative" insert "or electric utility"

15 AMENDMENT NO. 29

16 On page 8, line 1, after "enter" insert "into"

17 AMENDMENT NO. 30

18 On page 8, delete lines 2 and 3 and insert:

19 "be in such amounts and on such terms as the electric cooperative or  
20 electric utility determines to be prudent, subject to the requirements established  
21 by the Public Service Commission's General Orders dated March 13, 1994, and  
22 November 11, 1996, as periodically amended.

23 G. An electric cooperative, its members, or an electric utility shall not  
24 be liable for any recoverable damages to property awarded by a court pursuant  
25 to the provisions of R.S. 12:428(B), and the damages shall be the sole  
26 responsibility of the broadband operator."