
SENATE FLOOR AMENDMENTS

2020 First Extraordinary Session

Amendments proposed by Senator Mizell to Engrossed Senate Bill No. 10 by Senator Mizell

AMENDMENT NO. 1

On page 1, delete lines 2 and 3, and insert "To enact R.S. 12:430.1 and 430.2, relative to rural"

AMENDMENT NO. 2

On page 1, line 7, after "access;" insert "to provide for terms, conditions, and procedures;"

AMENDMENT NO. 3

On page 1, delete line 10, and insert "**§430.1. Cooperatives; provision of broadband services; servitudes**"

AMENDMENT NO. 4

On page 1, line 11, after "**provided in**" insert "**47 U.S.C. 224 and**"

AMENDMENT NO. 5

On page 1, line 12, change "**may**" to "**shall**"

AMENDMENT NO. 6

On page 2, line 12, after "**pursuant to**" change "**this**" to "**law,**" and on line 13, delete "**Subsection,**"

AMENDMENT NO. 7

On page 2, between lines 17 and 18 and insert:

"B. A cooperative shall provide a broadband affiliate, broadband service provider, or broadband operator with nondiscriminatory access to locate its equipment for the provision of broadband services on the cooperative's electric delivery system on just, reasonable, and nondiscriminatory terms, conditions, and rates.

C. Any broadband affiliate, broadband service provider, or broadband operator wishing to attach to a cooperative's electric delivery system shall file written notice with the cooperative. The cooperative shall respond to the notice in accordance with the Public Service Commission's General Order dated September 4, 2014, or any subsequent related order.

D. A cooperative shall charge a broadband affiliate, broadband service provider, or broadband operator for the construction, installation, operation, use, and maintenance of those parts of its electric delivery system that are used or may be reserved for use by the broadband affiliate, broadband service provider, or broadband operator for the provision of broadband services. Any lease of facilities by a cooperative to a broadband affiliate that includes the use of the cooperative's poles shall include a pole attachment fee to be paid by the broadband affiliate to the cooperative. The fee charged by the cooperative to the broadband affiliate shall be the same amount as the pole attachment fee charged by the cooperative to any other broadband operator.

E. A cooperative shall not do any of the following:

(1) Use its electric energy sales revenue to subsidize the provision of broadband services to the public by a broadband affiliate or other broadband operator.

1 **(2) Allow the installation or operation of a broadband system on its**
2 **electric delivery system by a broadband affiliate or other broadband operator**
3 **to diminish the reliability of the electric delivery system.**

4 **(3) Require any person to purchase broadband services from a**
5 **broadband affiliate or other broadband operator, as a condition of receiving or**
6 **continuing to receive electric energy from the cooperative.**

7 **(4) Disconnect, or threaten to disconnect, electric service to any**
8 **customer due to the customer's failure to pay for broadband services provided**
9 **to the customer by a broadband affiliate or other broadband operator.**

10 **F. A cooperative may make capital investments in a broadband affiliate,**
11 **issue bonds on behalf of a broadband affiliate, make loans to a broadband**
12 **affiliate at fair market rate, and enter into loan guarantees for the benefit of a**
13 **broadband affiliate, all of which may be in such amounts and on such terms as**
14 **the cooperative determines to be prudent, subject to the requirements**
15 **established by the Public Service Commission's General Orders dated March**
16 **18, 1994, and November 13, 1996, or any subsequent related orders.**

17 AMENDMENT NO. 8

18 On page 2, line 18, change "B." to "G."

19 AMENDMENT NO. 9

20 On page 2, between lines 23 and 24 insert:

21 **"(2) "Broadband operator" means a broadband service provider that**
22 **owns or operates a broadband system on a cooperative's electric delivery system**
23 **with the cooperative's consent."**

24 AMENDMENT NO. 10

25 On page 2, line 24, change "(2)" to "(3)"

26 AMENDMENT NO. 11

27 On page 2, line 27, change "(3)" to "(4)"

28 AMENDMENT NO. 12

29 On page 3, between lines 12 and 13 insert:

30 **"(5) "Broadband system" means a facility used to deliver broadband**
31 **internet access service as defined in 47 C.F.R. §8.1 and other broadband**
32 **services."**

33 AMENDMENT NO. 13

34 On page 3, line 13, change "(4)" to "(6)"

35 AMENDMENT NO. 14

36 On page 3, line 14, change "easements" to "servitudes"

37 AMENDMENT NO. 15

38 On page 3, delete lines 16 through 29 and delete page 4 and insert:

39 **"On March 1, 2021, and every March thereafter, each cooperative, or the**
40 **statewide or trade association of each cooperative, shall submit a written report**
41 **to the Senate Committee on Commerce, Consumer Protection and International**
42 **Affairs and the House Committee on Commerce regarding any impediments to**

1 providing broadband high-speed internet access to rural residents. The
2 information in the report shall include, at a minimum, the number of
3 broadband affiliates and broadband service providers who have requested to
4 use a cooperative's electric delivery system and the number of broadband
5 operators, including any broadband affiliate, who have accessed a cooperative's
6 electric delivery system to deploy broadband to rural residents in the state.

7 Section 2. On March 1, 2021, and every March thereafter, the Louisiana
8 Cable & Telecommunications Association and the Louisiana
9 Telecommunications Association shall jointly submit a written report to the
10 Senate Committee on Commerce, Consumer Protection and International
11 Affairs and the House Committee on Commerce regarding any impediments to
12 providing broadband high-speed internet access or any prohibitive
13 requirements to access the cooperative's electric delivery system for the purpose
14 of providing broadband in the state. The information in the written report shall
15 include, at a minimum, broadband deployment data publicly available from the
16 Federal Communications Commission Form 477. Nothing in this Section shall
17 be construed to require the disclosure of proprietary or trade secret
18 information by a broadband service provider.

19 Section 3. This Act shall become effective upon signature by the governor
20 or, if not signed by the governor, upon expiration of the time for bills to become law
21 without signature by the governor, as provided by Article III, Section 18 of the
22 Constitution of Louisiana. If vetoed by the governor and subsequently approved by
23 the legislature, this Act shall become effective on the day following such approval."