

Regular Session, 2013

Approved
5-23-13

HOUSE STUDY REQUEST NO. 5

BY REPRESENTATIVE BROADWATER

TELEVISION/CABLE: Requests the House Committee on Commerce to study local governmental subdivision authority relative to the placement of cable networks within public rights-of-way

1 A STUDY REQUEST

2 To the House Committee on Commerce to study the authority of local governmental
3 subdivisions relative to the placement of cable or video service networks, especially
4 within public rights-of-way, and to report its findings to the House of
5 Representatives prior to the convening of the 2014 Regular Session of the
6 Legislature of Louisiana.

7 WHEREAS, in 2008, the legislature enacted the Consumer Choice for Television Act
8 to provide uniform regulation of cable and video service franchising; and

9 WHEREAS, in the Consumer Choice for Television Act, a local governmental
10 subdivision's authority to regulate the holder of a certificate who offers cable or video
11 service in the state is limited to certain items; and

12 WHEREAS, state law requires a local governmental subdivision to allow the holder
13 of a certificate to install, construct, and maintain a network within public rights-of-way and
14 allow the holder to have open and competitively neutral access to the public rights-of-way;
15 and

16 WHEREAS, the local governmental subdivision is allowed to exercise police powers
17 to require construction permits and utility pole attachment agreements, may require the
18 holder of a certificate to register with the local governmental subdivision and maintain a
19 point of contact, and may establish reasonable guidelines regarding the use of Public,
20 Education and Government (PEG) access programming streams or channels; and

1 WHEREAS, issues have been raised prompting questions as to whether a local
2 governmental subdivision should be allowed to require a holder of a certificate to submit for
3 local approval a written plan for placement of a network in public rights-of-way within the
4 area in which cable or video service is delivered; and

5 WHEREAS, the issue has been raised as to whether a local governmental subdivision
6 should be allowed to adopt and enforce reasonable regulations or ordinances requiring the
7 approval of plans, drawings, or plats for the placement of a network, including but not
8 limited to below- and above-ground structures, within the public rights-of-way.

9 THEREFORE, the House of Representatives of the Legislature of Louisiana requests
10 the House Committee on Commerce to study the authority of local governmental
11 subdivisions relative to the placement of cable or video service networks, especially within
12 public rights-of-way, and to report its findings to the House of Representatives prior to the
13 convening of the 2014 Regular Session of the Legislature of Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Broadwater

HSR No. 5

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