

2015 Regular Session

HOUSE BILL NO. 534

BY REPRESENTATIVE BOUIE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC SERVICE COMN: Provides relative to the regulation of cable and video service providers

1 AN ACT

2 To amend and reenact R.S. 45:1363(4), 1364(A), (B)(introductory paragraph),

3 (C)(introductory paragraph), (D), (E), (G), and (I), 1365(A)(2) and (B)(introductory

4 paragraph) and (1), and 1371 and to enact R.S. 45:1363(16), relative to the Public

5 Service Commission; to transfer authority to regulate cable and video service

6 providers from the secretary of state to the Louisiana Public Service Commission;

7 to provide for definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 45:1363(4), 1364(A), (B)(introductory paragraph), (C)(introductory

10 paragraph), (D), (E), (G), and (I), 1365 (A)(2) and (B)(introductory paragraph) and (1), and

11 1371 are hereby amended and reenacted and R.S. 45:1363(16) is hereby enacted to read as

12 follows:

13 §1363. Definitions

14 When used in this Chapter:

15 * * *

16 (4) "Certificate" means the certificate of franchise authority issued by the

17 ~~secretary of state~~ Louisiana Public Service Commission to a person or entity to

18 provide cable service or video service in this state.

19 * * *

1 I. Notwithstanding any other provision of law to the contrary, the ~~secretary~~
 2 ~~of state~~ commission shall ~~have no regulatory authority over any cable service~~
 3 ~~provider or video service provider~~ enforce the provisions of R.S. 45:1371 and 47
 4 CFR 76.309(c) as applicable to cable service providers and video service providers
 5 certified by the commission. The commission shall adopt any necessary rules and
 6 regulations in furtherance of this.

7 §1365. State franchise; effect on existing local franchise agreement

8 A. Any incumbent service provider providing cable service or video service
 9 in this state on August 15, 2008, under a franchise previously granted by a local
 10 governmental subdivision is not subject to nor may it avail itself of the state-issued
 11 certificate of franchise authority provisions of this Chapter with respect to that local
 12 governmental subdivision until such franchise expires or as provided in this Section.
 13 Notwithstanding any other provision of law to the contrary, any such cable service
 14 provider or video service provider may offer cable service or video service under a
 15 state-issued certificate of franchise authority in accordance with the provisions of
 16 this Chapter upon meeting one of the following circumstances:

17 * * *

18 (2) The filing of a statement of termination in the form of an affidavit with
 19 the ~~secretary of state~~ commission setting forth a mutually agreed upon date to
 20 terminate the existing franchise set by both the local governmental subdivision
 21 issuing the existing franchise and the incumbent service provider subject to the
 22 existing franchise.

23 * * *

24 B. Any incumbent service provider shall have the option to terminate an
 25 existing franchise previously issued by a local governmental subdivision and may
 26 instead offer cable service or video service in such local governmental subdivision
 27 under a certificate of state franchise issued by the ~~secretary of state~~ commission in
 28 accordance with the provisions of R.S. 45:1364, provided the following requirements
 29 are satisfied by any such incumbent service provider:

