

2017 Regular Session

HOUSE BILL NO. 537

BY REPRESENTATIVE HILFERTY

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 \* \* \*

20 (16) "Commission" means the Louisiana Public Service Commission.

1 §1364. Certificate issued by the state; eligibility

2 A. Any person or entity seeking to provide cable service or video service in  
3 this state after August 15, 2008, shall file an application for a state franchise with the  
4 ~~secretary of state~~ commission as required by this Section and shall provide a copy  
5 of such application simultaneously to each local governmental subdivision listed in  
6 Paragraph (B)(2) of this Section.

7 B. The ~~secretary of state~~ commission shall issue a certificate authorizing the  
8 applicant to offer cable service or video service in this state within thirty days of  
9 receipt of an application, which shall consist of an affidavit submitted by the  
10 applicant and signed by an officer or general partner of the applicant affirming all  
11 of the following items:

12 \* \* \*

13 C. The certificate issued by the ~~secretary of state~~ commission shall be  
14 effective thirty days after issuance and shall contain all of the following:

15 \* \* \*

16 D. The certificate issued by the ~~secretary of state~~ commission is fully  
17 transferable to any successor in interest to the applicant to which it is initially  
18 granted. A notice of transfer shall be promptly filed with the ~~secretary of state~~  
19 commission within ten days of the completion of the transfer.

20 E. The certificate issued pursuant to this Chapter may be terminated by the  
21 cable service provider or video service provider by submitting written notice of the  
22 termination to the ~~secretary of state~~ commission.

23 \* \* \*

24 G. The failure of the ~~secretary of state~~ commission to notify the applicant of  
25 the incompleteness of the applicant's affidavit or issue a certificate before the  
26 thirtieth day after receipt of a completed affidavit shall constitute issuance of the  
27 certificate applied for without further action on behalf of the applicant.

28 \* \* \*

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 the provisions of this Subsection.

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:

1 (1) An incumbent service provider exercising its termination option shall file  
 2 a statement of termination with the ~~secretary of state~~ commission in the form of an  
 3 affidavit containing the information required by R.S. 45:1364(B) and submit copies  
 4 of such filing with any affected local governmental subdivision. Termination of  
 5 existing franchises is effective immediately upon the effective date of the certificate  
 6 of state franchise issued by the ~~secretary of state~~ commission.

7 \* \* \*

8 §1371. Customer service standards

9 Any holder of a state-issued certificate of franchise authority shall comply  
 10 with 47 CFR 76.309(c). ~~No franchising authority or local governmental subdivision~~  
 11 ~~shall have the power to require a holder of a state-issued certificate of franchise~~  
 12 ~~authority to comply with any customer service standards other than those set forth~~  
 13 ~~in this Section~~ and any additional standards adopted by the commission.

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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)]

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HB 537 Original

2017 Regular Session

Hilferty

**Abstract:** Transfers authority to regulate cable and video service providers from the secretary of state to the Louisiana Public Service Commission.

Present law requires that all cable and video service providers are subject to the authority and the regulations imposed by the secretary of state. Proposed law transfers authority to regulate cable and video service providers from the secretary of state to the La. Public Service Commission (commission).

Present law requires cable and video service providers to comply with the customer service standards established pursuant to present law (47 CFR 76.309(c)). Proposed law adds a provision to allow the commission to adopt additional standards of customer service.

(Amends R.S. 45:1363(4), 1364(A), (B)(intro. para.), (C)(intro. para.), (D), (E), (G), and (I), 1365(A)(2) and (B)(intro. para.) and (1), and 1371; Adds R.S. 45:1363(16))