
The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle D. Ridge.

DIGEST

SB 10 Engrossed

2020 First Extraordinary Session

Mizell

Proposed law allows a cooperative to grant permission to a broadband affiliate or a broadband service provider to use the electric delivery system of the cooperative to provide broadband services.

Proposed law provides that use of the electric delivery system for the provision of broadband services shall not be considered an additional burden on the property upon which the cooperative's electric delivery system is located and shall not require the broadband affiliate or broadband service provider to obtain the additional consent from anyone having an interest in the property upon which the electric delivery system is located.

Proposed law does not apply to property owned or controlled by a railroad company operating in the state.

Proposed law provides that if a portion of a cooperative's electric delivery system is used by a broadband affiliate or broadband service provider for the purpose of providing broadband services and the landowner of the property on which such portion is located believes his property has been damaged by such use, the landowner may petition the district court in which the property is situated for any damages to which the landowner may be entitled. A cooperative or its members shall not be liable for any recoverable damages to property awarded by a court and the damages shall be the sole responsibility of the broadband affiliate or broadband service provider.

Proposed law requires each cooperative to report in writing to the Senate Committee on Commerce, Consumer Protection and International Affairs and the House of Representatives Committee on Commerce on an annual basis, beginning March 1, 2021, regarding the progress that each cooperative has made in deploying broadband high-speed internet access to its members.

Proposed law provides that the written report shall include, at a minimum, the following information:

- (1) The number of cooperative members receiving new broadband high-speed internet access in the served and unserved areas.
- (2) Any local, state, or federal government grant or loan received to provide broadband high-speed internet access in an unserved area and the number of members who have received or are expected to receive broadband service due to any government grant or loan.
- (3) Any impediment to providing broadband high-speed internet access to an unserved area within the cooperative's area of service.

Proposed law defines "broadband affiliate", "broadband service provider", "broadband services", "electric delivery system", "served area", and "unserved area".

Proposed law requires the Louisiana Cable & Telecommunications Association and the Louisiana Telecommunications Association to each submit a written report on the status of the deployment of broadband to Louisiana rural residents to the Senate Committee on Commerce, Consumer Protection and International Affairs and to the House of Representatives Committee on Commerce on an annual basis, beginning March 1, 2021, regarding the progress that each provider within their association has made in bringing broadband high-speed internet access to unserved residents.

Proposed law provides that the written report completed by the Louisiana Cable & Telecommunications Association and the Louisiana Telecommunications Association shall include, at a minimum, all of the following:

- (1) The number of homes in a served and an unserved area that received broadband service after September 1, 2020.
- (2) Any local, state, or federal grant or loan received to provide broadband high-speed internet access to unserved Louisiana residents and the number of those residents who have received or are expected to receive broadband service due to any government grant or loan.
- (3) Any impediments to providing broadband high-speed internet access to the unserved areas within the state.

Effective September 1, 2020.

(Adds R.S. 12:430.1 and 430.2; repeals Act No. _____ of the 2020 Regular Session of the Louisiana Legislature, which originated as SB 406)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Allows a cooperative to grant permission to a broadband affiliate or a broadband service provider to use the cooperative's electric delivery system for the provision of broadband services and such use shall not be considered an additional burden on the property. Makes an exception for land owned or controlled by a railroad company operating in La.
2. Provides for a landowner's action for recovery of damages for property the landowner believes to have been damaged by the use of the broadband affiliate or broadband service provider for the purpose of providing broadband services and provides that the damages shall be the sole responsibility of the broadband affiliate or the

broadband service provider.

3. Removes certain reporting requirements for cooperatives and the La. Cable & Telecommunications Association and the Louisiana Telecommunications Association relating to applications submitted to and approved or denied by a cooperative.
4. Defines "broadband affiliate", "broadband service provider", and "broadband services" and removes the definition of "Louisiana rural electric cooperative".
5. Repeals Act. No. __ of the 2020 R.S. of the La. Legislature, which originated as SB 406.