

2020 Second Extraordinary Session

SENATE BILL NO. 69

BY SENATOR JOHNS

EMERGENCY PREPAREDNESS. Provides relative to emergency service plans of certain providers. (gov sig) (2/3-CA7s2.1(A)) (Items #2 and #38)

1 AN ACT
2 To enact Chapter 14 of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 45:1611 through 1613, relative to cable service providers and video service
4 providers; to provide relative to an emergency service plan; to provide for
5 submission of the plan to the legislature and certain executive branch agencies; to
6 provide for civil fines; to provide for certain terms, conditions, and procedures; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 14 of Title 45 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 45:1611 through 1613, is hereby enacted to read as follows:

11 **CHAPTER 14. EMERGENCY SERVICE PLAN BY CABLE SERVICE**

12 **PROVIDERS AND VIDEO SERVICE PROVIDERS**

13 **§1611. Emergency service plan; cable service providers and video service**
14 **providers**

15 **When used in this Chapter:**

16 **(1) "Cable service" means the one-way transmission to subscribers of**
17 **video programming or other programming service and any subscriber**

1 interaction required for the selection or use of video programming or other
2 programming service, but shall not include any video programming provided
3 by a commercial mobile service provider.

4 (2) "Cable service provider" means any person or entity that provides
5 cable service over a cable system and directly or through one or more affiliates
6 owns a significant interest in that cable system, or who otherwise controls or is
7 responsible for, through any arrangement, the management and operation of
8 that system.

9 (3) "Cable system" means a facility consisting of a set of closed
10 transmission paths and associated signal generation, reception, and control
11 equipment that is designed to provide cable service which includes video
12 programming and which is provided to multiple subscribers within a
13 community but does not include the following facilities or systems:

14 (a) A facility that serves only to retransmit the television signals of one
15 or more television broadcast stations.

16 (b) A facility that serves subscribers without using any public
17 right-of-way.

18 (c) A facility of a common carrier which is subject, in whole or in part,
19 to common carrier regulation, except that the facility shall be considered a cable
20 system to the extent the facility is used in the transmission of video
21 programming directly to subscribers, unless the extent of the use is solely to
22 provide interactive on-demand services.

23 (d) An open video system to the extent the system is considered under
24 federal law not to be a cable system.

25 (e) Any facilities of an electric utility used solely for operating its electric
26 system.

27 (4) "Commercial mobile service provider" means an interconnected
28 radio communication service carried on between mobile stations or receivers
29 and land stations, and by mobile stations communicating among themselves,

1 provided for profit and to the public or to a substantial portion of the public.

2 (5) "Commission" means the Louisiana Public Service Commission.

3 (6) "Video programming" means programming provided by, or
4 generally considered comparable to programming provided by, a television
5 broadcast station.

6 (7) "Video service" means any video programming service provided
7 through wireline facilities located at least in part in the public rights-of-way
8 without regard to delivery technology, including internet protocol technology.
9 "Video service" shall not include any video programming provided by a
10 commercial mobile service provider or video programming provided as part of
11 a service that enables users to access content, information, email, or other
12 services offered over the public internet.

13 (8) "Video service provider" means any entity providing video service.

14 §1612. Emergency service plan; cable service providers and video service
15 providers; public service commission

16 A. On March 1, 2021, and every March first thereafter, each cable
17 service provider or video service provider shall do all of the following:

18 (1) Prepare and submit to the commission an emergency service plan,
19 which shall include a provider's emergency preparedness and response plan for
20 each type of service it offers to the public, including but not limited to cable,
21 video, telephone, and internet service.

22 (2) Provide a copy of the emergency service plan to the director of the
23 Governor's Office of Homeland Security and Emergency Preparedness, the
24 Senate Committee on Commerce, Consumer Protection and International
25 Affairs, and the House Committee on Commerce.

26 B. The commission shall adopt rules and regulations to implement the
27 provisions of this Chapter and provide for the content of the emergency service
28 plan, which shall include but not be limited to the following information:

29 (1) The name and contact information of two persons who have

1 knowledge of the provider's emergency operations.

2 (2) The identification of any available human resources and their
3 position and responsibilities during an emergency.

4 (3) The provider's plan for obtaining resources that may be necessary
5 during an emergency, including but not limited to communication, equipment,
6 generators, and vehicles.

7 (4) The arrangement of any alternative facility if a facility is needed for
8 the operation and continuity of service.

9 (5) A description of the drills or exercises to be performed at least
10 annually that test and evaluate the effectiveness of the emergency service plan.

11 (6) A schedule for the annual evaluation and a risk mitigation strategy
12 for all operating assets that may be at a higher risk or are prone to damage
13 during an emergency.

14 (7) The provider's means of communication with the commission in the
15 event of a disruption of telecommunication services.

16 §1613. Violations; penalties

17 Any cable service provider or video service provider found by the
18 commission, after notice and hearing, to be in violation of any provision of this
19 Chapter shall be subject to a civil fine not to exceed one thousand dollars for the
20 first violation. The civil fine for any subsequent violation of any provision of this
21 Chapter shall not exceed five thousand dollars.

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 69 Original

2020 Second Extraordinary Session

Johns

Proposed law requires, on March 1, 2021, and every March 1st thereafter, cable service providers and video service providers to prepare and submit to the La. Public Service Commission (commission) an emergency service plan, which must include a provider's emergency preparedness and response plan for each type of service it offers to the public, including but not limited to cable, video, telephone, and internet service.

Proposed law provides that a copy of the plan be submitted to the director of the Governor's Office of Homeland Security and Emergency Preparedness and the House and Senate commerce committees by March 1st of each year.

Proposed law requires the commission to adopt rules and regulations to implement proposed law and provide for the content of the emergency service plan, which shall include but not be limited to the following information:

- (1) The name and contact information of two persons who have knowledge of the provider's emergency operations.
- (2) The identification of any available human resource and his position and responsibilities during an emergency.
- (3) The provider's plan for obtaining resources that may be necessary during an emergency, including but not limited to communication, equipment, generators, and vehicles.
- (4) The arrangement of any alternative facility if a facility is needed for the operation and continuity of service.
- (5) A description of the drills or exercises to be performed at least annually that test and evaluate the effectiveness of the emergency service plan.
- (6) A schedule for the annual evaluation and a risk mitigation strategy for all operating assets that may be at a higher risk or are prone to damage during an emergency.
- (7) The provider's means of communication with the commission in the event of a disruption of telecommunication services.

Proposed law provides that any cable service provider or video service provider found by the commission, after notice and hearing, to be in violation of proposed law shall be subject to a civil fine not to exceed \$1,000 for the first violation, and any subsequent violation of proposed law shall not exceed \$5,000.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 45:1611-1613)