
DIGEST

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HB 602 Original

2023 Regular Session

Deshotel

Abstract: Creates the Accelerating Broadband Deployment Act and provides for broadband deployment.

Present law authorizes domestic or foreign corporations whose purpose is to transmit intelligence by telegraph, telephone, or other systems, to construct lines needed to transmit that intelligence along public roads or public works, railroads in the state, along and over waters of the state, if these paths are not obstructed and along city streets with the consent of the city council or trustees.

Proposed law changes present law by allowing entities to have the same authorization afforded in present law.

Proposed law creates the Accelerating Broadband Deployment Act and provides findings and the purpose for proposed law.

Proposed law defines terms applicable to proposed law.

Proposed law authorizes a broadband service provider to install, maintain, operate, improve, repair, replace, remove, and own attached facilities in the state highway right-of-way if the service provider has been granted a permit, agreement, or other right by the Department of Transportation and Development (DOTD).

Proposed law requires a broadband service provider, at least 15 days before first exercising its rights, to send written notice to an interest holder and record such notice in the conveyance records of the parish in which the immovable property is situated.

Proposed law provides that the notice shall contain all of the following:

- (1) The name of the broadband service provider.
- (2) The name, address, and telephone number of the point of contact for the broadband service provider.
- (3) A description, which need not be legal, of the approximate location of the state highway right-of-way or electric servitude.
- (4) A copy of proposed law.

- (5) An indication of whether the broadband service provider is exercising rights in accordance with proposed law and the name of the electric utility holding the electric servitude.
- (6) An estimated time for the start of installation or construction that will occur in connection with the broadband service provider's rights.

Proposed law requires the aforementioned notice by the broadband provider to be sent by certified or registered mail, return receipt requested, or any other form of a dependable delivery and notification method.

Proposed law provides a formula for calculating compensation for claims or causes of actions that arise as a result of an interest holder bringing such claims or cause of actions against a broadband service provider for exercising its rights in a state highway right-of-way.

Proposed law requires the interest holder to make reasonable accommodations for the broadband service provider in order to allow the provider to perform an appraisal or inspection of the immovable property.

Proposed law provides that such appraisal or inspection shall occur within 90 days following any written request for an appraisal or inspection. Proposed law requires the broadband service provider to, promptly provide, a copy of any appraisal performed to the interest holder.

Proposed law provides that if the interest holder fails to make reasonable accommodations for the broadband service provider, then the provider has no further liability to the interest holder.

Proposed law provides that DOTD is not required to offer or grant a right to access or use a state highway right-of-way, if DOTD discerns that it would materially interfere with the maintenance or use of the roadway for the state highway right-of-way.

Proposed law provides that an electric utility is not required to offer or grant a right to access or use an electric servitude or to use attached facilities or electric service infrastructure the utility owns or controls, if the electric utility discerns that it would materially interfere with the construction, maintenance, or use of infrastructure for the provision of electric service.

Proposed law prohibits DOTD from unreasonably withholding authorization or delaying its decision as to whether to provide authorization to a broadband service provider to install, maintain, own, operate or use the provider's attached facilities under a state highway right-of-way.

Proposed law prohibits an electric utility from unreasonably withholding authorization or delaying its decision as to whether to provide authorization to a broadband service provider to install, maintain, own, operate or use the provider's attached facilities on the utility's electric service infrastructure.

Proposed law allows DOTD or an electric utility to withhold authorization only if the reason for withholding authorization is either of the following reasons:

- (1) There is insufficient capacity for the attached facilities, as determined by applicable law, including the make-ready and other pole attachment rules of the Public Service Commission.
- (2) There is a concern for safety, reliability, or generally applicable engineering purposes that weigh against granting the authorization.

Proposed law requires DOTD or an electric utility, if authorization is withheld, to promptly notify the broadband service provider in writing the reasons for withholding.

(Amends R.S. 45:781; Adds R.S. 45:1631-1636)