AN ACT

To enact R.S. 12:430.1 and 430.2, relative to rural access to broadband high-speed internet access; to provide relative to servitudes; to provide for reporting by cooperatives regarding broadband high-speed internet access; to provide for reporting by certain telecommunications associations regarding broadband high-speed internet access; to provide for terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 12:430.1 and 430.2 are hereby enacted to read as follows:

§430.1. Cooperatives; provision of broadband services; servitudes

A.(1)(a)  Except as provided in Subparagraphs (b) and (c) of this Paragraph, a cooperative shall grant permission to a broadband affiliate or a broadband service provider to use the electric delivery system of the cooperative to provide broadband services. The use of the cooperative's electric delivery system for the provision of broadband services by the broadband affiliate or a broadband service provider 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 cooperative's electric delivery system is located.

(b) The provisions of Subparagraph (a) of this Paragraph shall not
apply to any property owned or controlled by a railroad company operating in
the state.

(c) Notwithstanding any provision of law to the contrary, a cooperative
providing electric service may deny a broadband affiliate or broadband service
provider access to its poles, ducts, conduits, or rights-of-way, on a
nondiscriminatory basis where there is insufficient capacity and for reasons of
safety, reliability, and generally applicable engineering purposes.

(2)(a) 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 pursuant to law, subject
to the provisions of Subparagraph (b) of this Paragraph.

(b) A cooperative or its members shall not be liable for any recoverable
damages to property awarded by a court pursuant to the provisions of this
Subsection, and the damages shall be the sole responsibility of the broadband
affiliate or broadband service provider.

B. A cooperative shall provide a broadband affiliate, broadband service
provider, or broadband operator with nondiscriminatory access to locate its
equipment for the provision of broadband services on the cooperative's electric
delivery system on just, reasonable, and nondiscriminatory terms, conditions,
and rates.

C. Any broadband affiliate, broadband service provider, or broadband
operator wishing to attach to a cooperative's electric delivery system shall file
written notice with the cooperative. The cooperative shall respond to the notice
in accordance with the Public Service Commission's General Order dated
September 4, 2014, or any subsequent related order.

D. A cooperative shall charge a broadband affiliate, broadband service
provider, or broadband operator for the construction, installation, operation,
use, and maintenance of those parts of its electric delivery system that are used
or may be reserved for use by the broadband affiliate, broadband service
provider, or broadband operator for the provision of broadband services. Any
lease of facilities by a cooperative to a broadband affiliate that includes the use
of the cooperative's poles shall include a pole attachment fee to be paid by the
broadband affiliate to the cooperative. The fee charged by the cooperative to the
broadband affiliate shall be the same amount as the pole attachment fee
charged by the cooperative to any other broadband operator.

E. A cooperative shall not do any of the following:

(1) Use its electric energy sales revenue to subsidize the provision of
broadband services to the public by a broadband affiliate or other broadband
operator.

(2) Allow the installation or operation of a broadband system on its
electric delivery system by a broadband affiliate or other broadband operator
to diminish the reliability of the electric delivery system.

(3) Require any person to purchase broadband services from a
broadband affiliate or other broadband operator, as a condition of receiving or
continuing to receive electric energy from the cooperative.

(4) Disconnect, or threaten to disconnect, electric service to any
customer due to the customer's failure to pay for broadband services provided
to the customer by a broadband affiliate or other broadband operator.

F. A cooperative may make capital investments in a broadband affiliate,
issue bonds on behalf of a broadband affiliate, make loans to a broadband
affiliate at fair market rate, and enter into loan guarantees for the benefit of a
broadband affiliate, all of which may be in such amounts and on such terms as
the cooperative determines to be prudent, subject to the requirements established by the Public Service Commission's General Orders dated March 18, 1994, and November 13, 1996, or any subsequent related orders.

G. As used in this Section:

(1) "Broadband affiliate" means any entity that meets all of the following criteria:

(a) Is wholly or partially owned by a cooperative.

(b) Is formed to own or operate a broadband system or provide broadband high-speed internet services.

(2) "Broadband operator" means a broadband service provider that owns or operates a broadband system on a cooperative's electric delivery system with the cooperative's consent.

(3) "Broadband service provider" means an entity that provides broadband services to another on a wholesale basis or to an end-use customer on a retail basis.

(4) "Broadband services" means any service, using any equipment or technology, including wireline or fixed wireless broadband internet service, that consists of or includes the provision of or connectivity to a high-speed, high-capacity transmission medium meeting the Federal Communications Commission's benchmark of at least twenty-five megabits per second download and three megabits per second upload, or any subsequent benchmark determined by the Federal Communications Commission, that can carry signals from or to multiple sources and that does either of the following:

(a) Is used to provide access to the internet.

(b) Provides computer processing, information storage, information content or protocol conversion, including any service applications or information service provided over such high-speed access service. As used in this Part, "broadband services" shall also include video services, Voice over Internet Protocol services, wireless services, and internet protocol-enabled services.
(5) "Broadband system" means a facility used to deliver broadband internet access service as defined in 47 C.F.R. §8.1 and other broadband services.

(6) "Electric delivery system" means the poles, lines, materials, equipment, servitudes, and other facilities or properties used by a cooperative.

§430.2. Reporting on broadband high-speed internet access

On March 1, 2021, and every March thereafter, each cooperative, or the statewide or trade association of each cooperative, shall submit a written report to the Senate Committee on Commerce, Consumer Protection and International Affairs and the House Committee on Commerce regarding any impediments to providing broadband high-speed internet access to rural residents. The information in the report shall include, at a minimum, the number of broadband affiliates and broadband service providers who have requested to use a cooperative's electric delivery system and the number of broadband operators, including any broadband affiliate, who have accessed a cooperative's electric delivery system to deploy broadband to rural residents in the state.

Section 2. On March 1, 2021, and every March thereafter, the Louisiana Cable & Telecommunications Association and the Louisiana Telecommunications Association shall jointly submit a written report to the Senate Committee on Commerce, Consumer Protection and International Affairs and the House Committee on Commerce regarding any impediments to providing broadband high-speed internet access or any prohibitive requirements to access the cooperative's electric delivery system for the purpose of providing broadband in the state. The information in the written report shall include, at a minimum, broadband deployment data publicly available from the Federal Communications Commission Form 477. Nothing in this Section shall be construed to require the disclosure of proprietary or trade secret information by a broadband service provider.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ___________