

2022 Regular Session

HOUSE BILL NO. 1000

BY REPRESENTATIVE HOLLIS

PUBLIC SERVICE COMN: Provides relative to notice requirements for excavation by communications operators or excavators

1 AN ACT

2 To enact R.S. 51:1206, relative to the public service commission; to provide for excavations
3 by communications operators or excavators; to provide for notice requirements for
4 excavations; to provide for definitions; to provide for enforcement; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 51:1206 is hereby enacted to read as follows:

8 §1206. Communications operators; regulation and required notice; powers of the
9 commission; definitions

10 A. For the purposes of this Section, the following terms have the meanings
11 ascribed to them:

12 (1) "Communications" means a voice, video, or internet network operated
13 via wired underground infrastructure, including copper, coaxial cable, and fiber.

14 (2) "Excavation" or "excavate" means any operation causing movement or
15 removal of earth, rock, or other materials in or on the ground or submerged in a
16 marine environment that could reasonably result in damage to underground or
17 submerged utilities or facilities by the use of powered, mechanical, or manual means,
18 including but not limited to pile driving, digging, blasting, augering, boring, back
19 filling, dredging, compaction, plowing-in, trenching, ditching, tunneling, land-
20 leveling, grading, and mechanical probing. Excavation or excavate shall not include

1 manual probing, normal commercial farming operations, or any activity resulting
 2 from force majeure related occurrences, including but not limited to an act of God
 3 or an act of nature.

4 (3) "Excavator" means any person who engages in excavation including a
 5 communications operator or his contractor.

6 (4) "Operator" means any person who owns or operates a public or private
 7 underground facility or utility which furnishes voice, video, or internet services.

8 (5) "Public service commission" means the Louisiana Public Service
 9 Commission.

10 B. Notwithstanding the requirements contained in R.S. 40:1749.11 et seq.,
 11 a communications operator or excavator shall provide a forty-eight hour advance
 12 notice to an affected landowner of an excavation that will occur on the property. A
 13 copy of the notice shall be provided to the public service commission.

14 C. The public service commission shall have and exercise all necessary
 15 power and authority to enforce this Section and is authorized and directed to
 16 promulgate rules and regulations in accordance with the Administrative Procedure
 17 Act, R.S. 49:950 et seq., necessary for the implementation of the provisions of this
 18 Section.

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)]

HB 1000 Original

2022 Regular Session

Hollis

Abstract: Provides relative to notice requirements for excavation by communication operators or excavators.

Proposed law defines "communications", "excavation" or "excavate", "excavator", "operator", and "public service commission".

Proposed law provides that notwithstanding the requirements contained in present law (R.S. 40:1749.11 et seq.), a communications operator or excavator shall provide a 48 hour advance notice to an affected landowner of an excavation that will occur on the property. Proposed law further provides that a copy of the notice shall be provided to the public service commission.

Proposed law provides that the public service commission shall have and exercise all necessary power and authority to enforce proposed law and is authorized and directed to promulgate rules and regulations in accordance with present law, necessary for the implementation of the provisions of proposed law.

(Adds R.S. 51:1206)