

2020 Second Extraordinary Session

SENATE BILL NO. 69

BY SENATORS JOHNS, ABRAHAM, ALLAIN, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENSGENS, HEWITT, JACKSON, LAMBERT, LUNEAU, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE AND WOMACK

EMERGENCY PREPAREDNESS. Provides relative to emergency service plans of certain providers. (12/1/20) (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 certain information to the legislature and certain executive branch
6 agencies; to provide for civil fines; to provide for certain terms, conditions, and
7 procedures; and 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.(1) On or before June 1, 2021, each cable service provider and video
17 service provider shall prepare and submit to the commission an emergency
18 service plan, which shall include a provider's emergency preparedness and
19 response plan to an emergency or disaster.

20 (2) The emergency service plan shall include all of the following
21 information:

22 (a) The name and contact information of two persons who have
23 knowledge of the provider's emergency operations.

24 (b) The identification of any available human resources and their
25 position and responsibilities during an emergency.

26 (c) The provider's plan for obtaining resources that may be necessary
27 during an emergency, including but not limited to communication, equipment,
28 generators, and vehicles.

29 (d) The arrangement of any alternative facility if a facility is needed for

1 the operation and continuity of service.

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

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

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

9 B.(1) Upon receipt of an emergency service plan, the commission shall
10 review the plan to determine compliance with the provisions of this Chapter and
11 any rules and regulations of the commission.

12 (2) On or before August first of each year, the commission shall submit
13 a written declaration certifying compliance or noncompliance with the
14 provisions of this Section for each cable service provider and video service
15 provider to the director of the Governor's Office of Homeland Security and
16 Emergency Preparedness, the Senate Committee on Commerce, Consumer
17 Protection and International Affairs, and the House Committee on Commerce.

18 C. Each cable service provider and video service provider shall review
19 its emergency service plan on an annual basis. If any change is made to the
20 emergency service plan, the revised plan shall be submitted to the commission
21 on or before the following June first. If no change was made to the emergency
22 service plan, written notification that the previously submitted plan is current
23 shall be submitted to the commission on or before the following June first.

24 D. On or before March 1, 2021, the commission shall adopt rules and
25 regulations consistent with its rulemaking authority in Article 4, Section 21(B)
26 of the Constitution of Louisiana to implement the provisions of this Chapter.

27 E. The filing of an emergency service plan in accordance with the
28 provisions of this Section shall not subject any cable service provider or video
29 service provider to any regulatory jurisdiction by the commission not in effect

1 on December 1, 2020.

2 F. If a cable service provider or video service provider uses the same
 3 facilities to provide any other service regulated by the commission and files with
 4 the commission an emergency service plan for that service that includes an
 5 emergency preparedness and response plan for cable service, video service, or
 6 both, that cable service provider or video service provider shall not be required
 7 to submit an additional emergency service plan pursuant to the provisions of
 8 this Section.

9 §1613. Violations; penalties

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

15 Section 2. This Act shall become effective on December 1, 2020.

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

DIGEST

SB 69 Reengrossed

2020 Second Extraordinary Session

Johns

Proposed law requires, on or before June 1, 2021 each cable service provider and video service provider shall prepare and submit to the La. Public Service Commission (commission) an emergency service plan, which shall include a provider's emergency preparedness and response plan to an emergency or disaster.

Proposed law provides the emergency service plan shall include all of 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 their 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 upon receipt of an emergency service plan, the commission shall review the plan to determine if it is in compliance with proposed law and any rules and regulations of the commission.

Proposed law provides that on or before August 1st of each year, the commission shall submit a written declaration certifying compliance or noncompliance of each cable or video service provider's emergency service plan to the director of the Governor's Office of Homeland Security and Emergency Preparedness, the Senate Committee on Commerce, Consumer Protection and International Affairs, and the House Committee on Commerce.

Proposed law requires each cable or video service provider to review its emergency plan annually. If changes are made the revised plan shall be submitted to the commission on or before June 1st. If there are no changes to the emergency service plan, written notification that the previously submitted plan is current shall be submitted to the commission on or before June 1st.

Proposed law requires the commission to adopt rules and regulations to implement the provisions of proposed law on or before March 1, 2021.

Proposed law provides that the filing of an emergency service plan in accordance with proposed law shall not subject any cable or video service provider to any regulatory jurisdiction by the commission not in effect on December 1, 2020.

Proposed law provides that if a cable or video service provider uses the same facilities to provide any other service regulated by the commission and files with the commission an emergency service plan for that service that includes an emergency preparedness and response plan for cable service, video service, or both, that cable or video service provider shall not be required to submit an additional emergency service plan pursuant to the provision of proposed law.

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 Dec. 1, 2020.

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

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Changes the date from March 1, 2021 to on or before June 1, 2021 for cable and video service providers to submit their emergency service plan to the commission.
2. Specifies what type of information shall be submitted in each cable and video service providers' emergency service plan.

3. Changes the requirement from a copy of each cable and video service provider's emergency plan be submitted to the director of the Governor's Office of Homeland Security and Emergency Preparedness and the House and Senate commerce committees to the commission shall submit a written declaration certifying compliance or noncompliance of the emergency service plan to the above offices on or before August 1st of each year.
4. Specifies that the commission shall adopt rules and regulations to implement proposed law on or before March 1, 2021.
5. Adds that the commission shall, upon receipt of an emergency service plan, review the plan to determine if it is in compliance with proposed law and any rules and regulations adopted by the commission.
6. Adds that on or before August 1st of each year, the commission shall submit a written declaration certifying compliance or noncompliance of each cable or video service provider's emergency plan to offices listed above.
7. Adds a requirement that each cable and video service provider review their emergency service plan annually. If the plan is revised, it shall be submitted to the commission on or before June 1st of each year. If there are no changes to the emergency plan a written notification that the previously submitted plan is current shall also be submitted to the commission on or before June 1st.
8. Adds a provision stating that the filing of an emergency service plan in accordance with proposed law shall not subject any cable or video service provider to any regulatory jurisdiction by the commission not in effect on Dec. 1, 2020.
9. Adds a provision stating that if a cable or video service provider uses the same facilities to provide any other service regulated by the commission and files with the commission an emergency service plan for that service that includes an emergency preparedness and response plan for cable service, video service, or both, that cable or video service provider shall not be required to submit an additional emergency service plan pursuant to the provision of proposed law.
10. Changes the effective date from governor's signature to 12/1/2020.