

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

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**
18 **interaction required for the selection or use of video programming or other**
19 **programming service, but shall not include any video programming provided**
20 **by a commercial mobile service provider.**

21 **(2) "Cable service provider" means any person or entity that provides**
22 **cable service over a cable system and directly or through one or more affiliates**
23 **owns a significant interest in that cable system, or who otherwise controls or is**

1 responsible for, through any arrangement, the management and operation of
2 that system.

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

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

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

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

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

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

21 (4) "Commercial mobile service provider" means an interconnected
22 radio communication service carried on between mobile stations or receivers
23 and land stations, and by mobile stations communicating among themselves,
24 provided for profit and to the public or to a substantial portion of the public.

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

26 (6) "Video programming" means programming provided by, or
27 generally considered comparable to programming provided by, a television
28 broadcast station.

29 (7) "Video service" means any video programming service provided
30 through wireline facilities located at least in part in the public rights-of-way

1 without regard to delivery technology, including internet protocol technology.
2 "Video service" shall not include any video programming provided by a
3 commercial mobile service provider or video programming provided as part of
4 a service that enables users to access content, information, email, or other
5 services offered over the public internet.

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

7 §1612. Emergency service plan; cable service providers and video service
8 providers; public service commission

9 A.(1) On or before June 1, 2021, each cable service provider and video
10 service provider shall prepare and submit to the commission an emergency
11 service plan, which shall include a provider's emergency preparedness and
12 response plan to an emergency or disaster.

13 (2) The emergency service plan shall include all of the following
14 information:

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

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

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

22 (d) The arrangement of any alternative facility if a facility is needed for
23 the operation and continuity of service.

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

26 (f) A schedule for the regular evaluation and a risk mitigation strategy
27 for all operating assets that may be at a higher risk or are prone to damage
28 during an emergency.

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

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

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

10 C. Each cable service provider and video service provider shall review
11 its emergency service plan on an annual basis. If any change is made to the
12 emergency service plan, the revised plan shall be submitted to the commission
13 on or before the following June first. If no change was made to the emergency
14 service plan, written notification that the previously submitted plan is current
15 shall be submitted to the commission on or before the following June first.

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

19 E. The filing of an emergency service plan in accordance with the
20 provisions of this Section shall not subject any cable service provider or video
21 service provider to any regulatory jurisdiction by the commission not in effect
22 on December 1, 2020.

23 F. If a cable service provider or video service provider uses the same
24 facilities to provide any other service regulated by the commission and files with
25 the commission an emergency service plan for that service that includes an
26 emergency preparedness and response plan for cable service, video service, or
27 both, that cable service provider or video service provider shall not be required
28 to submit an additional emergency service plan pursuant to the provisions of
29 this Section.

30 §1613. Violations; penalties

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____