

## State Corporation Commission 2020 Fiscal Impact Statement

**1. Bill Number:** HB831

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Carroll Foy

**3. Committee:** Passed House

**4. Title:** Utility easements; location of broadband and other communications facilities.

**5. Summary:** The Committee Substitute (House Committee on Labor and Commerce) declares that it is the policy of the Commonwealth that easements be used to provide communications services, that such use is in the public interest, and that such use of the easements where no new poles are erected does not constitute a change in the physical use of the easement or interfere with, impair, or take any vested or other rights of the owner or occupier of the servient estate, or place any additional burden on the servient estate. The measure further provides that the installation and operation of communications services within any such electric easements are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology, and absent any express prohibition contained in the easement itself, will be deemed, as a matter of law, to be a permitted use within the scope of every easement for the location and use of electric utility facilities. Claims against providers are limited to actual damages only and based upon any reduction in the value of the land as a result of the communications facilities. The court shall also consider any positive value that access to broadband or other communications services may add to the property's value when calculating damages. Communication providers making use of an easement shall enter an agreement with the incumbent utility and adhere to such restrictions as the incumbent utility may place on the communications provider, provided such restrictions are reasonable.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** None on the State Corporation Commission

**8. Fiscal Implications:** None on the State Corporation Commission

**9. Specific Agency or Political Subdivisions Affected:** State Corporation Commission

**10. Technical Amendment Necessary:** No

**11. Other Comments:** Not at this time.