

State Corporation Commission 2020 Fiscal Impact Statement

1. Bill Number: HB979

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

2. Patron: LaRock

3. Committee: Communications, Technology and Innovation

4. Title: Utility easements; pole attachments.

5. Summary: Declares that a prescriptive easement, including the right to use such easement for both electric and communications services, exists in an area unserved by broadband when an electric cooperative has a utility map showing the placement, dating back not fewer than 20 years, of facilities owned, maintained, or controlled by the electric cooperative within an easement, and there is no documentation in those records of the electric cooperative or in the public record showing a grant of an inconsistent express easement by the landowner to the cooperative within the easement area. The measure entitles a third-party nongovernmental broadband service provider to use such a prescriptive easement at no charge by the electric cooperative for apportionment and lease of the real estate rights of the cooperative. The measure also provides that when a cooperative has acquired a prescriptive easement in an area unserved by broadband pursuant to which it has the right to install, maintain, and use poles and wires or underground conduits for a communications purpose, it shall be the public policy of the Commonwealth to encourage broadband expansion and to interpret such easement to also include the right of a nongovernmental broadband service provider to install, maintain, operate, repair, and replace broadband lines, systems, and facilities necessary for the provision and extension of broadband and other communications services within such easement. The measure gives the State Corporation Commission exclusive jurisdiction over any dispute as to the right of an electric cooperative or nongovernmental broadband service provider to use such a prescriptive easement.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: No fiscal impact 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: None