

State Corporation Commission 2020 Fiscal Impact Statement

1. Bill Number: SB539

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: Peake

3. Committee: Commerce and Labor

4. Title: Utility easements; broadband or other communications services.

5. Summary: Declares that it is policy of the Commonwealth that (i) existing or future easements for the location and use of electric facilities be used to provide or expand broadband or other communications services; (ii) such use of such easements is in the public interest; (iii) the use of such easements for the provision of broadband or other communications services, where no additional poles are erected, does not constitute a change in the physical use of the easement, interfere with or impair any vested rights of the owner or occupier of the servient estate, nor does it place any additional burden on the servient estate; and (iv) the installation and operation of broadband or other communications services within an existing or future electric easement are merely changes in the manner, purpose, or degree of the granted use as appropriate to accommodate a new technology. The measure also establishes that in the absence of any express prohibition on the installation and operation of broadband services in an existing electric easement, the installation and operation of broadband services within the existing electric easement shall be deemed as a matter of law to be permitted uses within the scope of every easement for the location and use of electricity facilities. The measure also limits the damages that a landowner may be awarded in any trespass action against a public utility or a broadband service provider or any of its employees, agents, officers, attorneys, directors, representatives, or contractors arising from the installation, maintenance, or operation of any utility poles, wires, conduit, or other infrastructure or fiber optic cabling to the lesser of actual damages or \$2,000 per tract of land.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: No fiscal impact on the State Corporation Commission.

8. Fiscal Implications: No fiscal impact on the State Corporation Commission.

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

10. Technical Amendment Necessary: No

11. Other Comments: None