

State Corporation Commission 2020 Fiscal Impact Statement

1. Bill Number: SB794

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: Lewis

3. Committee: Passed Senate

4. Title: Utility easements; location of broadband facilities.

5. Summary: Declares that it is policy of the Commonwealth that (i) existing easements for the location and use of electric facilities be used to provide or expand broadband services; (ii) such use of existing easements to provide or expand broadband services is in the public interest; (iii) the use of such existing easements for the provision of broadband 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, or place any additional burden on the servient estate; and (iv) the installation and operation of broadband services within an existing 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. 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: 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

MAC 2/11/2020