



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 19-0393
Prime Sponsors: Sen. Donovan

Date: February 8, 2019
Bill Status: Senate Business
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Bill Topic: BROADBAND INFRASTRUCTURE INSTALLATION

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill sets certain procedures for the use of electric utility easement for broadband infrastructure. The bill may increase state expenditures and local workload beginning in FY 2019-20.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

The bill allows an electric utility company or other electricity supplier to install or maintain above-ground broadband for internal and external use and for lease to a broadband internet service provider.

In addition, if a broadband internet service provider has written authorization from an electric utility, the provider may enter into a contract with a private landowner to access an electric utility's easement on a landowner's private land if the provider is seeking access to construct or maintain above-ground broadband infrastructure, and the provider's access does not violate the easement's exclusivity term.

Finally, the Public Utilities Commission (PUC) may enforce violations of this section by both electric utility companies and broadband internet service providers.

Assumptions

This fiscal note assumes that majority of transactions under this bill are between private or non-state entities.

State Expenditures

The bill may increase state expenditures beginning in FY 2019-20.

Public Utilities Commission — Department of Regulatory Agencies. The bill may increase PUC expenditures to handle complaints and enforce potential violations. Potential violations regarding easements may be complex in nature, requiring additional PUC staff and legal resources. If additional resources are required, they will be requested through the annual budget process.

Department of Law. The Department of Law may have an increase in workload to provide counsel to the PUC. Counsel may specifically be needed in instances when an electric utility unreasonably withholds written authorization to broadband service providers or for unreasonable cost requests. If additional resources are required, they will be requested through the annual budget process.

Department of Personnel and Administration. To the extent that this bill increases complaints needing administrative law judges services, the bill may increase expenditures in the Department of Personnel and Administration. If additional resources are required, they will be requested through the annual budget process.

Judicial Branch. To the extent that this bill increases civil case filings by the PUC and Department of Law, trial court workload will increase. The fiscal note assumes that there will be minimal or very limited case filings under the bill.

Local Government

Workload may increase in local governments that are internet service providers. Only Longmont currently provides broadband services, while Fort Collins is currently building and implementing broadband services. To date, 40 Colorado counties and 91 municipalities have authorized their local government to provide telecommunications services.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties	Information Technology	Law
Municipalities	Regulatory Agencies	