

## **House Committee on Commerce**

Minutes of Meeting  
2024 Interim  
August 12, 2024

### **I. CALL TO ORDER**

Representative Daryl Andrew Deshotel, chair of the House Committee on Commerce, called the meeting to order at 9:35 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Daryl Andrew Deshotel, chair  
Representative Kim Carver  
Representative Vincent E. Cox, III  
Representative Paula P. Davis  
Representative Kyle M. Green, Jr.  
Representative Troy Jude Hebert  
Representative Edmond Jordan  
Representative Alonzo L. Knox  
Representative Jacob Jules Gabriel Landry  
Representative Dixon Wallace McMakin  
Representative Shaun Raphael Mena  
Representative Candace N. Newell  
Representative Neil Riser  
Representative Vincent "Vinney" J. St. Blanc, III  
Representative Polly Thomas, vice chair  
Representative Michael T. Johnson, ex officio

#### **MEMBERS ABSENT:**

Representative Delisha Boyd  
Representative Jessica Domangue  
Representative Stephanie Hilferty  
Representative Danny McCormick

#### **STAFF MEMBERS PRESENT:**

Victoria Kelley, attorney  
Kathryn Vigrass, legislative analyst  
Sharell Steven, committee administrative assistant

**ADDITIONAL ATTENDEES PRESENT:**

Myrtis Jarrell, sergeant at arms  
Nevonda Reed, division director

**III. BUSINESS**

To discuss the deployment of broadband infrastructure in the state.

**A. Overview of the state of broadband by the Office of Broadband Development and Connectivity (ConnectLA)****1. GUMBO 1.0: Progress of projects****2. GUMBO 2.0: Next steps**

Veneeth Iyengar, Office of Broadband, 1201 N. 3<sup>rd</sup> St., Baton Rouge, LA 70802, spoke for information only. Mr. Iyengar provided information and updates pertaining to GUMBO 1.0 and 2.0.

Representative Deshotel asked for a detailed explanation of project areas. Mr. Iyengar explained how project areas are created. Representative Deshotel asked about project areas, maps, and what happens when a provider wins a project area. Mr. Iyengar explained the process of how it becomes public knowledge and accessible online.

Senator Mizell asked if an individual will be able to tell from the project area map, when and if they are going to receive broadband. Mr. Iyengar provided information and explained how an individual will be able to research the information on broadband being projected in the area and when it will be available.

Representative Cox asked if the public input from rural parishes make it competitive in regards to the project areas and the formulation of the areas. Mr. Iyengar explained the process of defining the project areas. Representative Cox for clarification whether GUMBO covers the financial construction of these projects. Mr. Iyengar confirmed that GUMBO does cover the construction and provided information on how it used.

Representative Carver asked if the agency has everything it needs to meet the schedule for the next four months and if the legislature needs to implement any policies to prevent the competition of a single provider from having a dominant presence. Mr. Iyengar provided limited information.

Representative Knox asked for clarification on why Orleans Parish is not listed on the map for GUMBO 1.0. Mr. Iyengar explained how the map was created and designed for GUMBO 1.0 and 2.0.

Representative Newell asked for an estimated time of when the public comment period will take place. Mr. Iyengar explained the plan to execute. Representative Newell and Mr. Iyengar discussed the revamping of a subsidy program which is funded by the United States Congress. Representative Newell asked about the time line to report the numbers to the federal government. Mr. Iyengar explained the time line.

Representative M. Johnson asked about the role of the department of the office of broadband and the role it plays in the behavior in regards to current broadband companies. Mr. Iyengar explained the involvement with broadband agencies.

Representative Thomas asked about the source of the data and how the data measured in regard to digital literacy. Mr. Iyengar explained the methods used to collect data information. Representative Thomas and Mr. Iyengar discussed "Digital Literacy".

Representative Deshotel asked if there is a potential creation of monopolies in some of the areas. Mr. Iyengar explained more information is needed to provide that information. Representative Deshotel asked if policies should be implemented to regulate certain behaviors. Mr. Iyengar stated the he can only provide information. Representative Deshotel asked if the agency has coordinated with providers to make sure that they are adhering to their agreements. Mr. Iyengar gave details on how ACT No. 632 applies to the coordination.

Representative Davis asked to explain how are the providers creating a monopoly if they are going through a bid process. Mr. Iyengar explained the competitive process. Representative Deshotel further explained the process between providers, government, and tax payers.

Representative Newell asked if the applicants of the grants have to provide information for digital literacy. Mr. Iyengar explained what the applicants of grants have to provide. Representative Newell asked if the information online in regard to digital literacy would point out programs and locations that offer digital literacy. Mr. Iyengar provided the information on what is provided on the website.

Representative Jordan asked for more information on monopolizing. Representative Deshotel provided information on monopoly and broadband. Representative Jordan and Representative Deshotel continued to have a discussion on monopoly and broadband.

## **B. Implementation of Act No. 632 of the 2024 Regular Session with respect to the following:**

### **1. Underground utilities damage prevention measures**

Mr. Iyengar provided information and updates pertaining to the underground utilities damage prevention measures.

Representative Deshotel asked if the office of broadband received any complaints about damages to existing utilities. Mr. Iyengar explained the damage complaints and challenges the agency faces. Representative Deshotel asked about the level of severity of the complaints. Mr. Iyengar explained that they have not yet received the monthly reports.

## **2. Impact on local broadband permit and franchise fees**

Mr. Iyengar provided information and updates pertaining to the impact on local broadband permit and franchise fees.

Representative McMakin asked if the letters sent out to the legislators, police jury presidents, and parish administrators are done regularly. Mr. Iyengar explained the premises of the letter being sent. Representative McMakin asked if the two ordinances enacted by the East Baton Rouge Metro Council seemed to violate Act No. 632 and if it could possibly cost them to miss out on 10.1 million dollars financed by GUMBO 2.0. Mr. Iyengar explained the procedure if there is a violation. Representative McMakin asked if he was aware of other parishes being in violation. Mr. Iyengar provided information. Representative McMakin asked what other legislators what would be looking for to make him aware of violations and about the Internet Tax Freedom Act. Mr. Iyengar provided information. Representative McMakin asked to clarify that if a local municipality adds a franchise fee while doing a contract, could they potentially lose funding for that parish. Mr. Iyengar confirmed information.

Representative Deshotel asked for clarity on the franchise fees from providers. Mr. Iyengar provided information on the franchise fees.

Representative Cox asked if Act. No. 632 prohibits the parishes in a project area from establishing a franchise fee. Mr. Iyengar provided information.

Representative Newell and Mr. Iyengar discussed the fees for damages on utilities above and below ground and making sure all parties involved are aware.

Representative Knox asked if there are any coordination in advance between broadband companies and utility companies to prevent damages. Mr. Iyengar provided information on how it is described in Act No. 632.

Representative McMakin asked if the email that had been sent out could be posted on the GUMBO 2.0 website. Mr. Iyengar confirmed that the email could be posted for the public to review.

Representative Deshotel explained GUMBO 2.0 and the current issues with agencies.

## **C. Underground utilities damage prevention**

### **1. Louisiana Municipal Association**

Richard Williams, Louisiana Municipal Association, 6767 Perkins Rd., Baton Rouge, LA 70808, spoke for information only.

Representative Deshotel inquired about the significant challenges that municipalities and parishes are facing with the current GUMBO 1.0 and Rural Digital Opportunity Funding (RDOF).

Guy Cormier, Police Jury Association of Louisiana, 707 N. 7<sup>th</sup> St., Baton Rouge, LA 70802, spoke for information only and explained the current issues that Representative Deshotel previously asked about.

Mr. Williams provided information regarding the current issues and challenges that municipalities and parishes face.

Nick Cox, City of Minden, 105 Bay Creek Rd., Minden, LA 71055, spoke for information only and provided information regarding the current issues and challenges that municipalities and parishes face.

Representative Deshotel asked for an estimate of how much the city of Minden would make to manage contractors. Mr. Cox provided information regarding the process of contractors and permits. Representative Deshotel asked if it would be prudent to map the utilities that they are finding while digging, since they are currently not on any mapping systems. Mr. Cox explained that they currently do not have the man power to accomplish that goal, but are taking steps to provide information in the future. Representative Deshotel asked if state or federal funding for infrastructure would be helpful. Mr. Cox confirmed that the assistance would be helpful in the overall structure of the city. Mr. Cormier provided more information regarding the mapping.

Representative Deshotel referenced a handout provided by Jason Hunt (Swyft) which was discussed and presented later in the meeting.

Representative Hebert asked how will communication issues be resolved. Mr. Cox and Mr. Cormier explained the issues in Minden, LA. Mr. Williams explained the damage and repairs.

Representative Newell asked the legislative staff for clarification on the liability of subcontractors and would they be liable for damages. Staff stated they would do further research and follow-up with her at a later time. Mr. Cormier shared information in regards to damage and repair caused by contractors. Discussion between Representative Newell, Representative Deshotel, and Mr. Cormier continued regarding contractor damage repair and liability.

Representative Cox suggested that the Louisiana (811) statute be updated regarding the contact information updates. Representative J. Landry stated that the companies that are in charge of the operation should be held accountable. Representative St. Blanc shared information regarding 811. Mr. Cormier provided information about working to make improvements to the statute. Representative J. Landry stated that the companies in charge of the operation should be held accountable.

Representative Knox asked if there is a way that the issues and complaints can be put in a Request for Proposal (RFP), application, or contract. Representative Deshotel stated that part of the meetings outcome is to determine what can be done in the agreements with providers.

## **2. Public Service Commission**

Brandon Frey, Louisiana Public Service Commission (PSC), P.O. Box 9115, Baton Rouge, LA 70821, spoke for information only. He provided information in regard to the current issues with damages and companies.

Representative Deshotel asked to explain how gas companies are regulated. Mr. Frey provided information on the companies they regulate.

Representative Knox asked what authority does PSC have in regard to the companies that operate in Louisiana from other states. Mr. Frey explained that the PSC has no authority over those companies.

## **3. Louisiana 811**

Representative Riser inquired about the amount of instances of requests received and the current effectiveness of 811.

Brent Saltzman, 811, 2215 W. Boardwalk, Baton Rouge, LA 70816 spoke for information only and provided information on the instances and how effective 811 is currently. He also provided information and the amount of notifications 811 receives.

Representative Riser asked for 811 to be explained and what it does. Mr. Saltzman provided information.

Representative Deshotel asked for an explanation of the details on the maps provided to 811 by providers. Mr. Saltzman provided information. Representative Deshotel and Mr. Saltzman continued to discuss the maps provided by providers and the information detailed on the maps.

Representative Knox asked why is it not mandatory for members to provide a Geographic Information System (GIS) information for mapping. Mr. Saltzman provided information. Representative Knox asked if there was a reason that 811 was not making GIS mandatory.

Mr. Saltzman explained that it is strictly up to the members of 811 to provide GIS information. Representative Knox asked if the board members are appointed by the state or if they are volunteers. Mr. Saltzman confirmed the board members are all volunteers.

Senator Mizell inquired about the amount of parishes belonging to 811. Mr. Saltzman provided information on the members of 811. Representative Deshotel provided information on members and non-members who are a part of the organization.

#### **4. Dept. of Transportation and Development**

Representative Deshotel inquired about the permitting process of Department of Transportation and Development (DOTD).

Chad Roubique, Department of Transportation and Development (DOTD), 8100 Airline Hwy., Baton Rouge, LA 70815, spoke for information only and provided information about the permitting process. Representative Deshotel asked if it would be an advantage to the permitting process and the state to know exactly where and what is in the rights-of-way. Mr. Roubique confirmed that it would be an advantage. Representative Deshotel asked if providers sometimes fail to inform the DOTD of their location. Mr. Roubique explains how those incidents does sometimes occur and that sometimes the DOTD can not control who has access to right-of-ways. Representative Deshotel asked about the ownership of utility rights-of-way and easements. Mr. Roubique explained the process.

Representative Cox asked if there was a possibility that after completion on a state right-of-way, if as-builds were submitted to the state be helpful. Mr. Roubique provided information.

Chris Disher, Cajun Broadband, 1022 Qcp Park Dr., Broussard, LA 70518, spoke for information only and provided information on his background and business.

Representative Deshotel asked Josh Etheridge to provide information about his company's experience working with broadband deployment in Louisiana.

Josh Etheridge, Etheridge Performance Cable (EPC), 444 Mountain Rd., W. Monroe, LA 71291, spoke for information only. He provided information on his background and on the company's experience with underground broadband deployment.

Representative Deshotel provided information on polyvinyl chloride or PVC pipes. Mr. Etheridge explained the challenges of PVC pipes and the risk of damages. Representative Deshotel asked about the process of locating a PVC pipe by municipalities. Mr. Etheridge explained the process. Representative Deshotel ask for the price of having a hydrovac machine used on location. Mr. Etheridge explained the cost of the hydrovac machine. Representative Deshotel asked about the process after causing damage. Mr. Etheridge explained the process. Representative Deshotel asked about the estimate on cost and what is included for a provider. Mr. Etheridge explain the cost and

coverage. Representative Deshotel asked if 811 providing a GIS map would reduce the cost. Mr. Etheridge explained the difference it would make in production.

Representative Davis asked why ground penetrating radar (GPR) is not used in Louisiana. Mr. Etheridge explain the details of GPR and why it is not used. Representative Davis asked if there was a difference between north and south Louisiana. Mr. Etheridge provided information. Representative Davis asked the process of other states. Mr. Etheridge provided information.

Representative J. Landry asked about the line depth requirements in other states.

Jason Hunt, Swyft Fiber, 13220 Hwy. 1073, Franklin, LA 70438, spoke for information only and provided handouts, Exhibit A, B, and C, which are included in the committee records. He also provided information on his company's standards and requirements. Representative J. Landry asked if steps are being taken if a line is damaged. Mr. Hunt provided information.

Representative J. Landry asked when a root cause analysis is done, what are the average depths seen in a report. Mr. Etheridge provided information and the process.

Mr. Hunt provided information about statistics.

#### **D. Overview of progress from Rural Digital Opportunity Fund (RDOF) providers in the state**

Mr. Hunt provided further information on the update of RDOF completion.

Scott Stringer, Brightspeed, 1106 Bel Air Dr., Athens, TX 75751, spoke for information only and provided information on the update of RDOF completion. Representative Deshotel asked for the total of completions. Mr. Stringer provided the completion numbers. Representative Deshotel inquired about the numbers. Mr. Stringer explained the process and delays.

Jeff Churchwell, Volt Broadband LLC, 150 Christian Dr., Rayville, LA 71268, spoke for information only and provided information on the update of RDOF completion.

Representative Thomas asked the witness panel to elaborate on the connectivity with schools and hospitals. Mr. Hunt, Mr. Churchwell, and Mr. Stringer provided information on their connections.

#### **E. Concerns to reporting newly deployed fiber installation in public rights of way**

Anthony Pope, Cox Communications/Louisiana Internet and Television (LIT), 7401 Florida Blvd., Baton Rouge, LA 70806, spoke for information only. He provided information about his position at Cox Communication and answered previously asked questions.



### **1. System member companies of Louisiana Internet and Television - The Broadband Association**

Lauren Chauvin, LIT, 763 N. St., Baton Rouge, LA 70802, spoke for information only. She provided information on LIT.

Representative Cox asked if there is a problem providing an as-built to DOTD. Mr. Pope explained the complication.

Representative Deshotel stated that LIT was not invited by the committee and chose to attend the committee meeting on behalf of the membership organizations of their own freewill. He also explained the reasons LIT was not invited by the committee to attend the meeting.

Representative Deshotel asked how much of the infrastructure is currently aerial in Louisiana. Mr. Pope provided information. Representative Deshotel and Mr. Pope discussed the layout of LIT's infrastructure which is public information.

Representative Deshotel asked for an example of a terrorist type attack in Louisiana on infrastructure. Mr. Pope denied to disclose any information due to it not being public information. Representative Deshotel asked if a cyber attack or if a physical attack would be a bigger threat. Mr. Pope explained the difference. Representative Deshotel asked if there was an issue with the state being aware of cable installations in the state's right of way. Mr. Pope expressed his concerns. Representative Deshotel and Mr. Pope discussed issues with disruptions and costs.

Ms. Chauvin explain the partnership with 811 and their relationship. Representative Deshotel and Ms. Chauvin continued to discuss 811.

Representative Deshotel and Mr. Pope continued discussion on the objective of the committee meeting.

Representative Deshotel asked Mr. Pope if he was aware of the participation requirements of GUMBO 2.0 and reiterated the reason LIT was not invited by the committee. Representative Deshotel asked Mr. Pope if he can assure the committee that the no collusion agreement had not been violated. Mr. Pope explained that the agreement had not been violated. Representative Deshotel asked if it would be wise for LIT to communicate and let the companies have their own voice. Mr. Pope provided information.

Rob Rieger, LIT, 450 Laurel St., Ste. 1900, Baton Rouge, LA 70801, spoke for information only. He provided information on LIT from a legal stand point as the agency's attorney. Mr. Rieger and Representative Deshotel discussed the no collusion agreement.

Mr. Pope further provided information on the competitive environment.

Representative Riser recommended, everyone come together during regular session on legislation to list agreements and talking points in order for a bill to run smoothly.

Representative Deshotel and Mr. Pope discussed future cooperation and discussions.

## **2. Louisiana Internet and Television - The Broadband Association**

Witness cards submitted by those who did not speak are as follows: 9 for information only. Witness cards are included in the committee records.

### **F. Public comment**

There were no public comments.

## **IV. ANNOUNCEMENTS**

There were no announcements.

## **V. ADJOURNMENT**

Representative Thomas offered a motion to adjourn. Without objection, the motion passed by a vote of 6 yeas and 0 nays. Representatives Deshotel, Carver, Hebert, Jacob Landry, Riser, and Thomas voted yea.

The meeting was adjourned at 1:19 p.m.

Respectfully submitted,

Chair Daryl Andrew Deshotel  
House Committee on Commerce

Date adopted: