

SENATE BILL NO. 777

BY SENATOR MICHOT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

To amend and reenact R.S. 45:844.55(D)(2), relative to telecommunications; to provide for enforcement; to provide for cost allocation and affiliate transaction rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 45:844.55(D)(2) is hereby amended and reenacted to read as follows:

§844.55. Enforcement and appeal

* * *

D.(1) * * *

(2) For covered services within the jurisdiction of the Louisiana Public Service Commission, enforcement of cost allocation and affiliate transaction rules shall be by the Louisiana Public Service Commission. **The Louisiana Public Service Commission shall also enforce the cost allocation and affiliate transaction rules for all other covered services; provided, however, that the Louisiana Public Service Commission may elect not to perform such enforcement by providing written notice to the legislative auditor within ninety days from the effective date of this Paragraph, in which case the legislative auditor shall enforce the cost allocation and affiliate transaction rules as provided in Paragraph 3 of this Subsection. With the exception of enforcement of the cost allocation and affiliate transaction rules as provided herein, the Louisiana Public Service Commission shall have no jurisdiction over advanced services and cable television services. When the Louisiana Public Service Commission performs the enforcement of other covered services as provided herein, the Louisiana Public Service Commission shall follow the procedures below:**

1 (a) The Louisiana Public Service Commission staff shall conduct an
2 initial audit of a local government's compliance with the cost allocation and
3 affiliate transaction rules following the first year of operations, and thereafter
4 shall have the authority to conduct a periodic compliance audit as deemed
5 appropriate based on its review of a local government's annual surveillance
6 report and attest engagement. In connection with this annual audit, the local
7 government is required to provide the commission staff with any backup
8 information required and to respond to data requests and other requests for
9 information propounded by the commission staff, which may include special
10 counsel and outside consultants. The local government is to make its books and
11 records available to the commission staff to facilitate the completion of such
12 audit.

13 (b) Notice of the issuance of the compliance audit report shall be
14 published in the official commission bulletin. Any interested person, group of
15 persons, or other entity shall have an opportunity to comment on the
16 compliance audit report and a hearing, if deemed necessary, will be conducted
17 prior to the commission staff's issuance of a final compliance audit report. The
18 commission shall consider the compliance audit report and may accept the audit
19 report as written, make modifications and order changes or other actions where
20 it is deemed appropriate.

21 (c) Each compliance audit conducted by the commission staff shall result
22 in a final compliance audit report containing the results of the investigation.
23 That report must contain specific findings and recommendations concerning
24 whether local government is providing covered services in compliance with the
25 cost allocation and affiliate transaction rules.

26 (d) Any interested party may seek judicial review of a determination of
27 compliance or noncompliance made by the Louisiana Public Service
28 Commission under Subparagraph (c) of this Paragraph. Such judicial review
29 shall be sought pursuant to the terms of R.S. 45:1192. The petition for judicial
30 review shall be filed in the Nineteenth Judicial District Court, and the local

