

(H. B. 1087)

**(No. 101)**

(Approved August 26, 2005)

**AN ACT**

To amend Section 16 (3) of Act No. 75 of June 24, 1975, as amended, better known as the Puerto Rico Planning Board Organic Act, to specifically add the supply of all cable telecommunications and television services for the management of broadband services; to amend Section 1 of Act No. 143 of July 20, 1979, as amended, better known as the Public Service Easements Act, to expressly include the public service easements for all cable telecommunications and television services; to amend Chapter I, Section 3 (gg) and Chapter II, Section 9 (b) of Act No. 213 of September 12, 1996, as amended, better known as the Puerto Rico Telecommunications Act, to include telecommunications and cable television companies; to direct that in all new residential or commercial structures to be built in Puerto Rico as of the effectiveness of this Act, the constructor be required to install the telephone, telecommunications and cable television infrastructure necessary for the management of broadband services; and to provide that the Planning Board, the Telecommunications Regulatory Board of Puerto Rico (JRTPR, Spanish acronym) and the Regulations and Permits Administration (ARPE, Spanish acronym) shall follow the corresponding regulatory requirements in order to enforce this Act.

**STATEMENT OF MOTIVES**

By mandate of law, the Planning Board, the Telecommunications Regulatory Board of Puerto Rico (JRTPR, Spanish acronym) and the Regulations and Permits Administration are the government entities in charge of regulating the construction of new structures and the infrastructure needed to enable the installation of telecommunications systems in Puerto Rico, whether residential or commercial. Under such authority, the Planning

Board issued the Subdivision and Urbanization Regulations (Planning Regulation No. 3), which, in its Section XVI, regulates the form and manner in which the developers of new residential and commercial structures shall install the telephone infrastructure necessary for the management of the communications needs of the new residents or tenants of said structures.

In our code of laws, our Legislature dealt with public service legal easements in general by enacting Act No. 143 of July 20, 1979, also known as the Public Service Easements Act. Said Act provides that public service easements for electric power lines, telephone lines and aqueduct and sewers and sanitary system installations are legal, apparent and continuous easements. However, the law does not provide with respect to cable television services or other analogous telecommunications services, such as broadband.

At present, the provision in effect for telephone infrastructure in these structures is limited to access to what we know as basic telephone service (POTS or plain old telephone service) and does not include the capability for new tenants to use the latest technology in broadband services to access advanced voice, data and video services, as well as to the Internet as part of the telephone service distribution system. Moreover, we must keep in mind that, at the present time, cable television companies in Puerto Rico offer broadband and Internet access services. In other words, the necessary infrastructure, the construction of which we hereby provide, shall include telephone or telecommunications services as well as cable television services.

It is the public policy of our administration to achieve two objectives for economic development and the improvement of the quality of life of our citizens: 1) to promote the citizen education and interest in the use of

technology and the Internet, and 2) to provide access to telecommunications services to all Puerto Ricans. In compliance with this public policy, it is essential for housing and commercial buildings in Puerto Rico to have the capacity to access the most advanced technological and telecommunications services currently available, whether by means of telephone services or cable television services. To achieve this, it is necessary to proceed with the amendments to Section 16 (3) of Act No. 75 of June 24, 1975, as amended, better known as the Puerto Rico Planning Board Organic Act, to specifically add the supply of all cable telecommunications and television services for the management of broadband services; to amend Section 1 of Act No. 143 of July 20, 1979, as amended, better known as the Public Service Easements Act, to expressly include the public service easements for all cable telecommunications and television services; to amend Chapter 1 Section 3 (gg) and Chapter II, Section 9 (b) of Act No. 213 of September 12, 1996, as amended, better known as the Telecommunications Act of Puerto Rico, to include cable telecommunications and television companies and the regulations of the Planning Board, the Telecommunications Regulatory Board of Puerto Rico and the Regulations and Permits Administration with respect to the construction of new structures, as provided herein.

Therefore, the Legislature deems it is necessary to amend the applicable regulations of the Planning Board, the Telecommunications Regulatory Board of Puerto Rico and the Regulations and Permits Administration in order to demand the development of infrastructure with capabilities to facilitate the eventual installation and connection of the systems through service providers that shall allow access to the most advanced technological and telecommunications services, specifically broadband access services, in the construction of new residential or commercial structures.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.- Section 16 (3) of Act No. 75 of June 24, 1975, as amended, better known as the Puerto Rico Planning Board Organic Act, is hereby amended to specifically add the supply of all cable telecommunications and television services for the management of broadband services and to read as follows:

“Section 16.-Regulations

The Board shall adopt, among others, the following Regulations:

- (1) ...
- (2) ...
- (3) To govern the subdivision of lands in Puerto Rico.- This Regulation may include provisions referring to the forms of proposed development and in conformance with the purposes thereof, adjacent lands, including trace and design of streets, light and power systems, water supply, telephone, the supply of all types of cable telecommunications and television services, sewerage, size and shape of lots,...

...”

Section 2.-To amend Section 1 of Act No. 143 of July 20, 1979, as amended, better known as the Public Service Easements Act, to expressly include the public service easements for all cable telecommunications and television services and to read as follows:

“Section 1.-Legal Easements

It is hereby established that public service easements for aerial, surface or underground electrical power lines and aqueduct and storm and sanitary sewage system installations, telephones, the supply of all types of cable telecommunications and television services, including equipment, structures

and accessories, are legal, apparent and continuous easements.”

Section 3.-To amend Chapter I, Section 3 (gg) and Chapter II, Section 9 (b) of Act No. 213 of September 12, 1996, as amended, better known as the Telecommunications Act of Puerto Rico, to include cable telecommunications and television companies and to read as follows:

“Subchapter I. General Provisions

Section 1.-...

Section 2.-...

Section 3.-Definitions.-

(gg) “Easements” shall mean for the purposes of this Chapter, any post, channel, conduit, or easement which is owned or controlled by a cable telecommunications and/or television company.

Subchapter II. Regulatory Board

(a) ...

(b) Legal Easements - The Board shall adopt such rules and regulations for the establishment, use of easements for any facilities needed for the installation of systems essential to render cable telecommunications and television services, as provided in Act No. 143 of July 20, 1979, as amended. These benefits shall apply equally to all companies providing cable telecommunications and television services, with no distinction whatsoever.”

Section 4.-It is hereby directed that in all new constructions of residential and commercial structures, the infrastructure for telephone and cable telecommunications and television shall be provided to facilitate the eventual installation and connection of the network systems through the

service providers that shall allow access to broadband access services. This shall include the necessary modifications in the telephone distribution and cable telecommunications and television systems (internal cabling) for such structures, as well as the necessary modification of equipment, cabinets and/or devices associated with providing telephone and cable telecommunications and television services.

Section 5.-It is hereby provided that the Planning Board, the telecommunications Regulatory Board of Puerto Rico (JRTPR, Spanish acronym) and the Regulations and Permits Administration (ARPE, Spanish acronym), shall make the corresponding regulatory requirements in order to enforce this Act.

Section 6.-This Act shall take effect six (6) months after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 101 (H.B. 1087) of the 1<sup>st</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 16 (3) of Act No. 75 of June 24, 1975, as amended, better known as the Puerto Rico Planning Board Organic Act, to specifically add the supply of all cable telecommunications and television services for the management of broadband services; to amend Section 1 of Act No. 143 of July 20, 1979, as amended, better known as the Public Service Easements Act, to expressly include the public service easements for all cable telecommunications and television services; to amend Chapter I, Section 3 (gg) and Chapter II, Section 9 (b) of Act No. 213 of September 12, 1996, as amended, better known as the Puerto Rico Telecommunications Act, to include telecommunications and cable television companies; etc.,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 6<sup>th</sup> of March of 2006.

Francisco J. Domenech  
Director