

(S. B. 1417)

**(No. 146)**

(Approved August 3, 2006)

**AN ACT**

To amend Section 1 of Act No. 143 of July 20, 1979, as amended, better known as the “Public Service Easements Act,” to reestablish the electric power easements within the definition of Legal Easements, pursuant to the purpose of this Act.

**STATEMENT OF MOTIVES**

Act No. 143 of July 20, 1979, as amended, better known as the “Legal Easements Act,” established that public service easements electrical power lines, telephone lines and aqueduct storm and sanitary sewer system installations are legal, apparent and continuous easements. In its Section 2, said Act provided that these easements may be acquired by any legal means of acquiring property, by virtue of private or public document or by a twenty-year (20) acquisitive prescription, or through eminent domain procedures.

In the Statement of Motives of Act No. 143 of July 20, 1979, as amended, better known as the “Public Service Easements Act,” the legislator expressly stated that: “Because of their nature, electric power, telephone and storm and sanitary sewer services are of essential use and public interest, which a modern, dynamic, and progressive society and civilization cannot and should not do without. Up to recent times, electrical power and telephone lines were classified strictly as aerial easements. Modern technology has made it possible, in those cases that are deemed advisable, to

construct electrical power and telephone lines on the surface, underground and, in some cases, under water.

Today electrical power is essential in all orders of life; it is indispensable to the health, safety, and well-being. The proposed legislation will substantially reduce the present rates generated by the process of establishing said easements strictly by public document. This benefit will be directed toward the consumers by reducing the capital outlay of the urbanizers.

In view of the needs of modern Puerto Rico and its economic and social development, we feel that the establishment of legal easements for electrical power lines telephone lines and aqueduct and storm and sanitary sewage systems is necessary. The proposed legislation will benefit the public interest and will expedite and stabilize the supplying of these important public services.”

In turn, Act No. 101 of August 26, 2005, was approved with the purpose of amending Section 1 of Act No. 143, *supra*, to expressly include every telecommunications and cable television services in public service easements. In addition, the same directed that, as of its date of effectiveness, the builder be required to install the necessary telephone, telecommunications and cable television infrastructure.

The Statement of Motives of Act No. 101, *supra*, establishes that the Legislature of Puerto Rico dealt with public service legal easements in general by enacting the Public Service Easements Act, that is, Act No. 143, *supra*. By mentioning the specific provisions of this Act, the legislator stated that the law does not provide with respect to cable television services or other analogous telecommunications services, such as broadband. For

such reason, it was necessary to amend the above cited Act, for the sole purpose of expressly including said services' easements.

By amending Act No. 143, *supra*, to include telecommunications and cable television services among the legal easements, the new section 1 was excluded from its drafting. Certainly, the omission of the electric power easements was an involuntary error, which must be corrected. Therefore, it is imperative to amend Section 1 of Act No. 143 of July 20, 1979, as amended, better known as the "Public Service Easements Act," to reestablish electric power easements as legal, apparent and continuous easements, and to recognize that the same may be registered in the Property Registry without the need for submitting a public deed. Thus, the certification mechanism provided by law since 1979 is hereby reestablished for commercial and residential developments in Puerto Rico, which will be more simple, faster and economic in the process of constructing electric power easements.

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

Section 1.- Section 1 of Act No. 143 of July 20, 1979, as amended, better known as the "Public Service Easements Act," is hereby amended to read as follows:

"Section 1.- Legal Easements

It is hereby established that public service easements for aerial, surface, or underground electric power lines and telephone lines, the supply of all types of cable telecommunications and television services, and aqueduct and storm and sanitary sewage system installations, including equipment, structures and accessories thereof are legal, apparent and continuous easements."

Section 2.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 146 (S.B. 1417) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 1 of Act No. 143 of July 20, 1979, as amended, better known as the “Public Service Easements Act,” to reestablish the electric power easements within the definition of Legal Easements, pursuant to the purpose of this Act,

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

In San Juan, Puerto Rico, today 2<sup>nd</sup> of November of 2006.

Francisco J. Domenech  
Director

