

(S. B. 1794)

**(No. 28)**

(Approved January 1, 2003)

**AN ACT**

To add a third paragraph to Section 14 of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Act”, in order to restructure the terms for the respective notices, and the procedures for the Authority to lay the power lines underground, and to establish penalties.

**STATEMENT OF MOTIVES**

Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Act”, provided in Section 14, the procedures for the Authority to perform the various works to lay the electric power lines underground.

This Act was recently amended by Act No. 145 of August 9, 2002, with the purpose of authorizing the Authority or the corresponding municipality to perform said procedures and establish the requirements to notify the execution of said works, to other entities that place their lines on the posts that are owned by this public corporation.

However, the amendment to said Section lacks several provisions that further enable the notification process and the consequences of not complying with it. Therefore, it is necessary to amend the present Act so that it will be binding on the entities to contribute to the underground laying of the lines, or carry out the transfer of their lines in the event the Authority builds new installations. Furthermore, in the event that the Authority should have to remove or transfer the lines, it should be exempted from having to

answer for any damage caused as a result of the transfer or removal of its posts, and the cables that are not owned by it.

The Authority truly seeks to contribute to the work of our Government through the construction of underground distribution systems. Therefore, through this Act, the adoption of an effective means to expedite the performance of these works through the restructuring of the terms for the respective notifications is promoted as well as the establishment of penalties when the public or private entities that jointly use these posts refuse to remove their lines and to participate in the underground distribution system that is installed in a specific area.

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

Section 1.- A third paragraph is hereby added to Section 14 of Act No. 83 of May 2, 1941, as amended, to read as follows:

“Section 14.- Notwithstanding any provision...

Provided, that upon building the underground distribution systems within the territorial limits of any municipality, when it is necessary for the optimum development thereof, or when the Electric Power Authority builds new installations, any agency, public corporation or private entity whose lines are installed on the posts of the electric system owned by the Authority, it shall be required to remove them within the term provided in this Act, without impairing the previously contracted obligations.

The Authority or the government entity that proposes the work shall notify the agency, public corporation or private entity of its intention to build or install new facilities underground, at least one hundred twenty (120) days prior to executing the work; the entities thus notified shall inform the Authority and the municipality of its acceptance to participate along with the proponent of the work, of the process or development of the underground

installation or its development, within the term of thirty (30) days from the receipt of the notice remitted by the Authority or the proponent of the work. The development shall include, but without being limited to the study, design, construction, inspection and installation of the service. If the entity should opt to not participate of the underground installation process along with the Authority or corresponding government entity, it must then remove its cables within the non-renewable term of ninety (90) days from the end of the term provided for its answer regarding its acquiescence to participate in these processes.

If the agency, public corporation or private entity accedes to participate in the process of developing or installing the cables underground in conjunction with the developer of the project, and subsequent to its confirmation decides that it will not comply with the works as agreed, it shall have the obligation to thus notify it, and shall remove its cables within twenty (20) days after its refusal.

It shall be the obligation of these entities, once notified, to participate in the development of the work and perform the underground installation of the power lines within the term described, in coordination with the Authority or the proponents of the work, or remove them at their own cost. If they do not participate in the development, underground installation or removal of the cables within the established term, said entities shall be imposed a penalty equal to two hundred and fifty thousand (250,000) dollars, or three times the cost of the underground works, or the construction of a new installation of the electrical system, whichever amount is greater; furthermore, in said case, the proponent party of the project shall be liable for the removal thereof, chargeable to the corresponding agency, public corporation or private entity. Once the cables that belong to said entities

have been removed, no further liability for damages shall be imposed, unless there is negligence, on the party in charge of the works for losses of any nature caused to third parties or suffered by said entities as a direct or indirect result of the transfer or removal of its cables and the posts owned by the Authority on which the same are installed.”

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. 28 (S.B. 1794) of the 4<sup>th</sup> Session of the 14<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to add a third paragraph to Section 14 of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Act”, in order to restructure the terms for the respective notices, and the procedures for the Authority to lay the power lines underground, and to establish penalties,

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

In San Juan, Puerto Rico, today 12<sup>th</sup> of February of 2004.

Elba Rosa Rodríguez-Fuentes  
Director