

(S. B. 1590)

(No. 145)

(Approved August 9, 2002)

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 Authority Act" in order to authorize the Authority or the corresponding municipality to remove cables belonging to other entities, that are attached to the Authority's lampposts, one hundred and eight (180) days after having been notified of the Authority's intention to bury electric cables.

STATEMENT OF MOTIVES

Act No. 83 of May 2, 1941, as amended, known as the "Puerto Rico Electric Power Authority Act", provides in Section 14, that when it is necessary to relocate electrical installations or facilities of the Authority as the result of construction, extension, repair or improvement of a public work in charge of the Department of Transportation and Public Works, or a government agency or a municipality, the cost of said relocation shall be considered as part of the expense, entailed by said public work and shall be deemed as part of the cost of said public work, and shall be paid or reimbursed to the Authority by the entity that performs the work.

For years, the Electric Power Authority has conducted works to bury its cables in order to achieve greater safety and offer better services. These works also contribute to the beautification of our Island, and thus improve the quality of life of all Puerto Ricans. However, many public and private entities, that have cables attached to posts that are the property of the Electric Power Authority, do not remove them when the Authority

completes its works underground. This inactivity is contrary to the public policy of the government to promote the beautification and ornamentation of all the municipalities.

In order to help the municipalities achieve their optimum development, it is necessary to confer to the Authority as well as to the Municipalities, the authority to carry out the work of constructing underground distribution systems. These construction works shall be conducted after notifying the different government agencies or private entities whose cables are located in areas subject to the burial of overhead power lines, that they must be removed within a reasonable term of ninety days. If said cables are not removed in that period of time, the owners shall be responsible for the cost of the removal. The municipalities or the Authority may remove them and subsequently be reimbursed by the entities.

In order to achieve the objectives set forth in this Act, the municipalities and the Electric Power Authority are hereby exempted from liability for damages of any nature caused by any type of loss to third parties, or suffered by said entities as a result of the removal of the cables from the posts where they are placed that belong to the Authority.

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 other provision...

It is hereby by provided, that when constructing the underground distribution system within the territorial limits of any municipality, and when it is necessary for the optimum development thereof, or when the Electric Power Authority constructs new facilities, it shall be required that any agency, public corporation or private entity whose wires use the electric

power system posts owned by the Authority and whose contracts with regard to said lines are not in effect, to remove the same within a term of one hundred and eighty (180) days from the receipt of the notice of the removal of said posts or the transfer of lines. If there is a contract in effect with the Authority at the time of the removal of the cables belonging to other entities, the Authority must compensate for any possible damages it may cause. Once notified, it shall be the responsibility of those entities to place cables underground within the term prescribed, in coordination with the Authority or the municipality, or to remove the same at their expense. If the cables are not placed underground or removed by said entities within the term established, the Authority or the municipality shall be responsible for their removal and the cost thereof shall be charged to the corresponding agency, public corporation or private entity. Once the cables that belong to said entities have been removed, no liability shall be imposed for damages, unless they are caused by negligence of the municipalities or the Electric Power Authority in charge of the work for losses of any nature caused to third parties and or suffered by said entities as a direct or indirect result of the transfer or removal of their cables and of the posts owned by Electric Power Authority through which they pass.”

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. 145 (S.B. 1590) of the 3rd Session of the 14th 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 Authority Act" in order to authorize the Authority or the corresponding municipality to remove cables belonging to other entities, that are attached to the Authority's lampposts, one hundred and eight (180) days after having been notified of the Authority's intention to bury electric cables,

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

In San Juan, Puerto Rico, today 19th of June of 2003.

Elba Rosa Rodríguez-Fuentes
Director

