



January 29, 2010

SENATE BILL No. 135

DIGEST OF SB 135 (Updated January 27, 2010 7:09 pm - DI 87)

Citations Affected: IC 8-1.

Synopsis: Local regulation of video service franchises. Provides that a local unit of government may not supervise, evaluate, or regulate or monitor in order to supervise, evaluate, or regulate a: (1) holder of a certificate to provide; or (2) provider of; video service in Indiana.

Effective: July 1, 2010.

Holdman, Head, Arnold

January 5, 2010, read first time and referred to Committee on Local Government.
January 28, 2010, amended, reported favorably — Do Pass.

C
o
p
y

SB 135—LS 6385/DI 103+



January 29, 2010

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

C
O
P
Y

SENATE BILL No. 135



A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-1-34-16, AS ADDED BY P.L.183-2006,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2010]: Sec. 16. (a) Except as provided in section 21 of this
 4 chapter, after June 30, 2006:

5 (1) the commission is the sole franchising authority (as defined in
 6 47 U.S.C. 522(10)) for the provision of video service in Indiana;
 7 and

8 (2) a unit may not:

9 (A) require a provider to obtain a separate franchise; ~~or~~
 10 (B) impose any fee, gross receipt tax, licensing requirement,
 11 rate regulation, or build-out requirement on a **holder or**
 12 **provider; or**
 13 **(C) supervise, evaluate, or regulate, or monitor in order to**
 14 **supervise, evaluate, or regulate, a holder or provider,**
 15 **including by establishing a board or other subordinate**
 16 **entity to supervise, evaluate, or regulate, or monitor in**
 17 **order to supervise, evaluate, or regulate, the holder or**

SB 135—LS 6385/DI 103+



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
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

provider;

except as authorized by this chapter.

(b) Except as provided in section 21 of this chapter, a person who seeks to provide video service in Indiana after June 30, 2006, shall file with the commission an application for a franchise. The application shall be made on a form prescribed by the commission and must include the following:

(1) A sworn affidavit, signed by an officer or another person authorized to bind the applicant, that affirms the following:

(A) That the applicant has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering video service in Indiana.

(B) That the applicant agrees to comply with all federal and state statutes, rules, and regulations applicable to the operation of the applicant's video service system.

(C) That the applicant agrees to:

(i) comply with any local ordinance or regulation governing the use of public rights-of-way in the delivery of video service; and

(ii) recognize the police powers of a unit to enforce the ordinance or regulation.

(D) If the applicant will terminate an existing local franchise under section 21 of this chapter, that the applicant agrees to perform any obligations owed to any private person, as required by section 22 of this chapter.

(2) The applicant's legal name and any name under which the applicant does or will do business in Indiana, as authorized by the secretary of state.

(3) The address and telephone number of the applicant's principal place of business, along with contact information for the person responsible for ongoing communications with the commission.

(4) The names and titles of the applicant's principal officers.

(5) The legal name, address, and telephone number of the applicant's parent company, if any.

(6) A description of each service area in Indiana to be served by the applicant. A service area described under this subdivision may include an unincorporated area in Indiana.

(7) The expected date for the deployment of video service in each of the areas identified in subdivision (6).

(8) A list of other states in which the applicant provides video service.

**C
O
P
Y**



1 (9) If the applicant will terminate an existing local franchise under
 2 section 21(b) of this chapter, a copy of the written notice sent to
 3 the municipality under section 21(c) of this chapter.
 4 (10) Any other information the commission considers necessary
 5 to:
 6 (A) monitor the provision of video service to Indiana
 7 customers; and
 8 (B) prepare the commission's annual report to the regulatory
 9 flexibility committee under IC 8-1-2.6-4.
 10 This subsection does not empower the commission to require an
 11 applicant to disclose confidential and proprietary business plans and
 12 other confidential information without adequate protection of the
 13 information. The commission shall exercise all necessary caution to
 14 avoid disclosure of confidential information supplied under this
 15 subsection.
 16 (c) The commission may charge a fee for filing an application under
 17 this section. Any fee charged by the commission under this subsection
 18 may not exceed the commission's actual costs to process and review the
 19 application under section 17 of this chapter.

C
O
P
Y



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 135, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, delete "monitor, supervise, evaluate, or otherwise regulate" and insert "**supervise, evaluate, or regulate, or monitor in order to supervise, evaluate, or regulate,**".

Page 1, line 15, delete "monitor, supervise, evaluate, or" and insert "**supervise, evaluate, or regulate, or monitor in order to supervise, evaluate, or regulate,**".

Page 1, line 16, delete "otherwise regulate".

and when so amended that said bill do pass.

(Reference is to SB 135 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 11, Nays 0.

C
O
P
Y

