

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 480 be amended to read as follows:

- 1 Page 5, delete lines 33 through 42, begin a new paragraph and
2 insert:
3 "SECTION 4. IC 8-1-34-16, AS ADDED BY P.L.183-2006,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 16. (a) Except as provided in section 21 of this
6 chapter, after June 30, 2006:
7 (1) the commission is the sole franchising authority (as defined in
8 47 U.S.C. 522(10)) for the provision of video service in Indiana;
9 and
10 (2) a unit may not:
11 (A) require a provider to obtain a separate franchise; or
12 (B) impose any fee, gross receipt tax, licensing requirement,
13 rate regulation, or build-out requirement on a provider;
14 except as authorized by this chapter.
15 (b) Except as provided in section 21 of this chapter, a person who
16 seeks to provide video service in Indiana after June 30, 2006, shall file
17 with the commission an application for a franchise. The application
18 shall be made on a form prescribed by the commission and must
19 include the following:
20 (1) A sworn affidavit, signed by an officer or another person
21 authorized to bind the applicant, that affirms the following:
22 (A) That the applicant has filed or will timely file with the
23 Federal Communications Commission all forms required by
24 the Federal Communications Commission before offering
25 video service in Indiana.
26 (B) That the applicant agrees to comply with all federal and
27 state statutes, rules, and regulations applicable to the operation
28 of the applicant's video service system.
29 (C) That the applicant agrees to:
30 (i) comply with any local ordinance or regulation governing

- 1 the use of public rights-of-way in the delivery of video
 2 service; and
 3 (ii) recognize the police powers of a unit to enforce the
 4 ordinance or regulation.
- 5 (D) If the applicant will terminate an existing local franchise
 6 under section 21 of this chapter, that the applicant agrees to
 7 perform any obligations owed to any private person, as
 8 required by section 22 of this chapter.
- 9 (2) The applicant's legal name and any name under which the
 10 applicant does or will do business in Indiana, as authorized by the
 11 secretary of state.
- 12 (3) The address and telephone number of the applicant's principal
 13 place of business, along with contact information for the person
 14 responsible for ongoing communications with the commission.
- 15 (4) The names and titles of the applicant's principal officers.
- 16 (5) The legal name, address, and telephone number of the
 17 applicant's parent company, if any.
- 18 (6) A description of each service area in Indiana to be served by
 19 the applicant. A service area described under this subdivision may
 20 include an unincorporated area in Indiana.
- 21 (7) The expected date for the deployment of video service in each
 22 of the areas identified in subdivision (6).
- 23 (8) A list of other states in which the applicant provides video
 24 service.
- 25 (9) If the applicant will terminate an existing local franchise under
 26 section 21(b) of this chapter, a copy of the written notice sent to
 27 the municipality under section 21(c) of this chapter.
- 28 (10) Any other information the commission considers necessary
 29 to:
- 30 (A) monitor the provision of video service to Indiana
 31 customers; and
 32 (B) prepare the commission's annual report to the regulatory
 33 flexibility committee under IC 8-1-2.6-4.
- 34 ~~This~~ (c) Subsection (a) does not empower the commission to
 35 require:
- 36 (1) an applicant to disclose confidential and proprietary business
 37 plans and other confidential information without adequate
 38 protection of the information; **or**
 39 (2) a provider to disclose more frequently than annually
 40 information regarding the areas in which an applicant has
 41 deployed video services.
- 42 The commission shall exercise all necessary caution to avoid disclosure
 43 of confidential information supplied under ~~this~~ subsection (b).
- 44 ~~(c)~~ (d) The commission may charge a fee for filing an application
 45 under this section. Any fee charged by the commission under this
 46 subsection may not exceed the commission's actual costs to process and

- 1 review the application under section 17 of this chapter.
- 2 **(e) Nothing in this title may be construed to require an applicant**
- 3 **to disclose information to identify the areas in which the applicant**
- 4 **has deployed video services by census block, street address, or**
- 5 **other similar level of specificity. The commission may not disclose,**
- 6 **publish, or report any information identifying the areas in which**
- 7 **an applicant has deployed video services by census block, street**
- 8 **address, or other similar level of specificity."**
- 9 Delete page 6.
- 10 Page 7, delete lines 1 through 22.
(Reference is to SB 480 as printed February 14, 2011.)

Senator HERSHMAN