



January 25, 2013

SENATE BILL No. 235

DIGEST OF SB 235 (Updated January 24, 2013 10:41 am - DI 103)

Citations Affected: IC 8-1.

Synopsis: Video service providers. Amends the required contents of the utility regulatory commission's annual report to the regulatory flexibility committee concerning video service.

Effective: July 1, 2013.

Holdman, Merritt

January 7, 2013, read first time and referred to Committee on Utilities.
January 24, 2013, reported favorably — Do Pass.

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SB 235—LS 6650/DI 103+



January 25, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 235

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 8-1-2.6-4, AS AMENDED BY P.L.62-2009,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 4. (a) A regulatory flexibility committee is
4 established to monitor competition in the telecommunications industry.
5 (b) The committee is composed of the members of a house standing
6 committee selected by the speaker of the house of representatives and
7 a senate standing committee selected by the president pro tempore of
8 the senate. In selecting standing committees under this subsection, the
9 speaker and president pro tempore shall determine which standing
10 committee of the house of representatives and the senate, respectively,
11 has subject matter jurisdiction that most closely relates to the
12 electricity, gas, energy policy, and telecommunications jurisdiction of
13 the regulatory flexibility committee. The chairpersons of the standing
14 committees selected under this subsection shall co-chair the regulatory
15 flexibility committee.
16 (c) The commission shall, by July 1 of each year, ~~prepare for~~
17 ~~presentation report~~ to the regulatory flexibility committee a ~~report that~~

SB 235—LS 6650/DI 103+



- 1 includes on the following:
- 2 (1) An analysis of the effects of competition and technological
- 3 change on universal service and on pricing of all
- 4 telecommunications services offered in Indiana.
- 5 (2) ~~An analysis of~~ The status of competition and technological
- 6 change in the provision of video service (as defined in
- 7 IC 8-1-34-14) **available** to Indiana customers ~~as determined by~~
- 8 ~~the commission in carrying out its duties under IC 8-1-34. The~~
- 9 ~~commission's analysis under this subdivision must include a~~
- 10 ~~description of:~~ **as follows:**
- 11 (A) The number of multichannel video programming
- 12 distributors offering video service to Indiana customers.
- 13 (B) The technologies used to provide video service to Indiana
- 14 customers. ~~and~~
- 15 ~~(C) the effects of competition on the pricing and availability of~~
- 16 ~~video service in~~
- 17 **(C) Advertised programming and pricing options offered**
- 18 **by video service providers to Indiana customers.**
- 19 (3) Beginning with the report due July 1, 2007, and in each report
- 20 due in an odd-numbered year after July 1, 2007:
- 21 (A) an identification of all telecommunications rules and
- 22 policies that are eliminated by the commission under section
- 23 4.1 of this chapter during the two (2) most recent state fiscal
- 24 years; and
- 25 (B) an explanation why the telecommunications rules and
- 26 policies identified under clause (A) are no longer in the public
- 27 interest or necessary to protect consumers.
- 28 (4) Beginning with the report due July 1, 2010, best practices
- 29 concerning vertical location of underground facilities for purposes
- 30 of IC 8-1-26. A report under this subdivision must address the
- 31 viability and economic feasibility of technologies used to
- 32 vertically locate underground facilities.
- 33 (d) In addition to reviewing the commission report prepared under
- 34 subsection (c), the regulatory flexibility committee shall also issue a
- 35 report and recommendations to the legislative council by November 1
- 36 of each year that is based on a review of the following issues:
- 37 (1) The effects of competition and technological change in the
- 38 telecommunications industry and impact of competition on
- 39 available subsidies used to maintain universal service.
- 40 (2) The status of modernization of the publicly available
- 41 telecommunications infrastructure in Indiana and the incentives
- 42 required to further enhance this infrastructure.

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- 1 (3) The effects on economic development and educational
- 2 opportunities of the modernization described in subdivision (2).
- 3 (4) The current methods of regulating providers, at both the
- 4 federal and state levels, and the effectiveness of the methods.
- 5 (5) The economic and social effectiveness of current
- 6 telecommunications service pricing.
- 7 (6) All other telecommunications issues the committee deems
- 8 appropriate.
- 9 The report and recommendations issued under this subsection to the
- 10 legislative council must be in an electronic format under IC 5-14-6.
- 11 (e) The regulatory flexibility committee shall meet on the call of the
- 12 co-chairpersons to study telecommunications issues described in
- 13 subsection (d). The committee shall, with the approval of the
- 14 commission, retain the independent consultants the committee
- 15 considers appropriate to assist the committee in the review and study.
- 16 The expenses for the consultants shall be paid by the commission.

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COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill No. 235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 235 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 9, Nays 0.

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