HOUSE BILL No. 1065

DIGEST OF HB 1065 (Updated January 29, 2018 3:32 pm - DI 128)

Citations Affected: IC 5-28; noncode.

Synopsis: High speed Internet service. Changes the minimum speed thresholds for broadband services to at least 25 megabits per second downstream and at least three megabits upstream. (Current law sets the minimum speed threshold at 384 kilobits per second in at least one direction.) Changes the minimum and maximum speed thresholds for those geographic areas which are a priority to the economic development corporation (corporation) in developing and implementing high speed Internet service. Provides that the office of technology shall assist the corporation with the application of state and federal grants. Directs the utility regulatory commission to study certain topics regarding broadband services in Indiana and issue a report to the interim study committee on energy, utilities, and telecommunications before October 1, 2018.

Effective: Upon passage; July 1, 2018.

Ober, Negele, Hatfield, Pelath

January 3, 2018, read first time and referred to Committee on Utilities, Energy and Telecommunications.
HOUSE BILL No. 1065

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

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

SECTION 1. IC 5-28-33-2, AS ADDED BY P.L.152-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. As used in this chapter, "high speed Internet service" means a connection to the Internet that provides capacity for transmission at an average speed of at least three hundred eighty-four (384) kilobits twenty-five (25) megabits per second downstream and at least three (3) megabits upstream, regardless of the technology or medium used to provide the connection.

SECTION 2. IC 5-28-33-6, AS ADDED BY P.L.152-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. The corporation and the office of technology (established by IC 4-13.1-2-1) may apply for state broadband data and development grants under the federal Broadband Data Improvement Act and the American Recovery and Reinvestment Act of 2009 and any other relevant sources for state or federal grants.

SECTION 3. IC 5-28-33-9, AS ADDED BY P.L.152-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2018: Sec. 9. The corporation shall establish the following priorities in developing and implementing the high speed Internet service deployment and adoption initiative:

(1) First, extending the deployment of high speed Internet service to areas where:
   (A) Internet connections are unavailable; or
   (B) the only available Internet connections provide capacity for transmission at an average speed of less than two hundred (200) kilobits per second downstream.

(2) Second, extending the deployment of high speed Internet service to areas where the only available Internet connections provide capacity for transmission at an average speed of:
   (A) not less than two hundred (200) kilobits; five (5) megabits; and
   (B) not more than one and five-tenths (1.5) twenty-five (25) megabits;

(3) Third, supporting programs to promote broadband adoption throughout Indiana.

SECTION 4. IC 5-28-33-10, AS ADDED BY P.L.152-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. The corporation and the office of technology (established by IC 4-13.1-2-1) is designated as the single only eligible entity to receive a grant under 47 U.S.C. 1304.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(b) As used in this SECTION, "committee" refers to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8).

(c) Before October 1, 2018, the commission shall study the following topics:

(1) The types of service on which the Indiana universal service fund surcharge is imposed.

(2) The types of service for which disbursements from the Indiana universal service fund may be used.

(3) The eligibility requirements for service providers to receive disbursements from the Indiana universal service fund.

(4) Broadband deployment (expansion and improvement of access to broadband services).

(5) Any other matter concerning universal service reform that

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the commission considers appropriate.

(d) As part of its study, and notwithstanding IC 8-1-2.6-1.1, IC 8-1-2.6-13, and IC 8-1-32.5-6, the commission may request information from:

(1) service providers and customers; and

(2) any experts, stakeholders, or other interested parties;

concerning the topics outlined in subsection (c).

(e) Not later than October 1, 2018, the commission shall issue a final report to the committee, in an electronic format under IC 5-14-6, containing the commission's findings and recommendations on the topics outlined in subsection (c).

(f) This SECTION expires January 1, 2019.

SECTION 6. An emergency is declared for this act.
Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1065, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 5-28-33-2, AS ADDED BY P.L.152-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. As used in this chapter, "high speed Internet service" means a connection to the Internet that provides capacity for transmission at an average speed of at least three hundred eighty-four (384) kilobits twenty-five (25) megabits per second downstream and at least three (3) megabits upstream, regardless of the technology or medium used to provide the connection.

SECTION 2. IC 5-28-33-6, AS ADDED BY P.L.152-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. The corporation and the office of technology (established by IC 4-13.1-2-1) may apply for state broadband data and development grants under the federal Broadband Data Improvement Act and the American Recovery and Reinvestment Act of 2009 and any other relevant sources for state or federal grants.

SECTION 3. IC 5-28-33-9, AS ADDED BY P.L.152-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. The corporation shall establish the following priorities in developing and implementing the high speed Internet service deployment and adoption initiative:

(1) First, extending the deployment of high speed Internet service to areas where:
   (A) Internet connections are unavailable; or
   (B) the only available Internet connections provide capacity for transmission at an average speed of less than two hundred (200) kilobits five (5) megabits per second downstream.

(2) Second, extending the deployment of high speed Internet service to areas where the only available Internet connections provide capacity for transmission at an average speed of:
   (A) not less than two hundred (200) kilobits; five (5) megabits; and
   (B) not more than one and five-tenths (1.5) twenty-five (25) megabits; per second downstream.
(3) Third, supporting programs to promote broadband adoption throughout Indiana.

SECTION 4. IC 5-28-33-10, AS ADDED BY P.L.152-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. The corporation and the office of technology (established by IC 4-13.1-2-1) is are designated as the single only eligible entity entities to receive a grant under 47 U.S.C. 1304."

Delete page 2.

Page 3, delete lines 1 through 29.

Page 3, line 36, delete "September 1, 2018," and insert "October 1, 2018,"

Page 4, delete lines 5 through 8.

Page 4, line 9, delete "(8)" and insert "(5)".

Page 4, line 9, delete "concerning:" and insert "concerning".

Page 4, line 10, delete "(A)".

Page 4, line 10, delete "reform;" and insert "reform".

Page 4, delete lines 11 through 12.

Page 4, run in lines 9 through 13.

Page 4, line 14, after "study," insert "and notwithstanding IC 8-1-2.6-1.1, IC 8-1-2.6-13, and IC 8-1-32.5-6,"

Page 4, line 19, delete "September 1, 2018," and insert "October 1, 2018,"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1065 as introduced.)

OBER

Committee Vote: yeas 10, nays 0.