



January 24, 2020

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## SENATE BILL No. 411

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DIGEST OF SB 411 (Updated January 23, 2020 12:14 pm - DI 119)

**Citations Affected:** Noncode.

**Synopsis:** Leasing of broadband capacity infrastructure. Urges the legislative council to assign to the interim study committee on energy, utilities, and telecommunications the topic of installation and leasing of broadband capacity infrastructure by investor-owned electric utilities to broadband service providers for the provision of broadband internet service to unserved and underserved areas in Indiana. Specifies issues that must be considered in the study.

**Effective:** Upon passage.

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### Koch, Merritt

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January 16, 2020, read first time and referred to Committee on Utilities.  
January 23, 2020, amended, reported favorably — Do Pass.

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SB 411—LS 7217/DI 101





January 24, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## SENATE BILL No. 411

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A BILL FOR AN ACT concerning utilities.

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

- 1       SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**  
2 **SECTION, "commission" refers to the Indiana utility regulatory**  
3 **commission created by IC 8-1-1-2.**  
4       (b) **As used in this SECTION, "committee" refers to the interim**  
5 **study committee on energy, utilities, and telecommunications**  
6 **established by IC 2-5-1.3-4(8).**  
7       (c) **As used in this SECTION, "electric utility" means a public**  
8 **utility (as defined in IC 8-1-2-1(a)) that:**  
9           **(1) is an investor owned utility;**  
10           **(2) provides retail electric service to Indiana customers; and**  
11           **(3) is under the jurisdiction of the commission for the**  
12           **approval of rates and charges.**  
13       (d) **As used in this SECTION, "unserved or underserved area"**  
14 **refers to an area in Indiana in which broadband Internet service**  
15 **is not available to all potential customers in the area.**

SB 411—LS 7217/DI 101



1           (e) The legislative council is urged to assign to the committee the  
2 task of studying, during the 2020 legislative interim, the installing  
3 and leasing of broadband capacity infrastructure by electric  
4 utilities to broadband service providers for the provision of  
5 broadband Internet service to unserved and underserved areas in  
6 Indiana. If a study is assigned to the committee under this  
7 SECTION, the study must include consideration of the following:

8           (1) Whether facilitating the deployment of broadband  
9 Internet service to areas of Indiana that are unserved or  
10 underserved is in the public interest.

11           (2) The capability of electric utilities to support the  
12 deployment of broadband Internet service to unserved and  
13 underserved areas in Indiana.

14           (3) The rules and regulations that would be appropriate to  
15 provide for leasing of broadband capacity infrastructure to  
16 broadband service providers, including preclusion of electric  
17 utilities from offering broadband services to retail customers  
18 in Indiana.

19           (4) The potential to establish a broadband capacity  
20 infrastructure leasing pilot program that would support the  
21 deployment of broadband Internet service to unserved and  
22 underserved areas in Indiana.

23           (f) This SECTION expires January 1, 2021.

24           SECTION 2. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill No. 411, 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:

Delete the title and insert the following:

A BILL FOR AN ACT concerning utilities.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 411 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 8, Nays 1.

