



Adopted	Rejected
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## COMMITTEE REPORT

<b>YES:</b>	<b>9</b>
<b>NO:</b>	<b>4</b>

**MR. SPEAKER:**

*Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1164, 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:*

- 1           Page 3, delete lines 32 through 42, begin a new paragraph and
- 2           insert:
- 3           "SECTION 3. IC 8-1-2-5.5 IS ADDED TO THE INDIANA CODE
- 4           AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 5           1, 2021]: **Sec. 5.5. (a) Every:**
- 6                 **(1) corporation organized under IC 8-1-13;**
- 7                 **(2) corporation organized under IC 23-17 that is an electric**
- 8                 **cooperative and that has at least one (1) member that is a**
- 9                 **corporation organized under IC 8-1-13; and**
- 10                **(3) municipality providing electric service;**
- 11           **shall permit attachments by communications service providers to**
- 12           **poles owned or controlled by the corporation or municipality.**
- 13                **(b) A rate, term, or condition imposed by a corporation or**

- 1        **municipality described in subsection (a) for access to poles owned**  
 2        **or controlled by the corporation or municipality:**
- 3            **(1) must be nondiscriminatory, just, and reasonable; and**  
 4            **(2) must not favor the pole owner or an affiliate of the pole**  
 5            **owner.**
- 6        **(c) Any pole attachment rental fee imposed by a corporation or**  
 7        **municipality described in subsection (a) for access to poles owned**  
 8        **or controlled by the corporation or municipality:**
- 9            **(1) must be calculated on an annual, per-pole basis; and**  
 10          **(2) is considered to provide reasonable compensation and to**  
 11          **be nondiscriminatory, just, and reasonable if the fee:**
- 12            **(A) is agreed upon by the parties; or**  
 13            **(B) is not greater than the fee that would apply if the pole**  
 14            **attachment rental fee were calculated in accordance with**  
 15            **the formula set forth in 47 U.S.C. 224(d), as applied by the**  
 16            **Federal Communications Commission.**
- 17          **(d) If a communications service provider and a corporation or**  
 18          **municipality described in subsection (a) fail to agree upon:**
- 19            **(1) access to poles owned or controlled by the corporation or**  
 20            **municipality; or**  
 21            **(2) the rates, terms, and conditions for attachment to poles**  
 22            **owned or controlled by the corporation or municipality;**  
 23          **the communications service provider may apply to the commission**  
 24          **for a determination of the matter.**
- 25          **(e) Upon receiving a request for a determination under**  
 26          **subsection (d), the commission shall:**
- 27            **(1) proceed to determine whether:**
- 28            **(A) the denial of access to one (1) or more poles was**  
 29            **unlawful; or**  
 30            **(B) the rates, terms, and conditions complained of were not**  
 31            **just and reasonable;**  
 32          **as applicable; and**
- 33            **(2) issue an order:**
- 34            **(A) directing that access to the poles at issue be permitted;**  
 35            **and**  
 36            **(B) prescribing for such access such rates, terms,**  
 37            **conditions, and compensations that:**  
 38            **(i) are reasonable; and**

- 1                   (ii) comply with subsections (b) and (c).
- 2           (f) In any case in which the commission issues an order under
- 3 subsection (e):
- 4           (1) the access ordered by the commission under subsection
- 5           (e)(2)(A) shall be permitted by the corporation or
- 6           municipality; and
- 7           (2) the rates, terms, conditions, and compensations prescribed
- 8           by the commission under subsection (e)(2)(B) shall be
- 9           observed, followed, and paid by the parties, as applicable;
- 10 subject to recourse to the courts upon the complaint of any
- 11 interested party as provided in this chapter and in IC 8-1-3. Any
- 12 order of the commission under subsection (e) may be revised by the
- 13 commission from time to time upon application of any interested
- 14 party or upon the commission's own motion.

15           SECTION 4. IC 8-1-2-101 IS AMENDED TO READ AS

16 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 101. (a) Every

17 municipal council or county executive shall have power:

- 18           (1) To determine by ordinance the provisions, not inconsistent
- 19           with **subsection (c), other provisions of** this chapter, or
- 20           IC 8-1-11.1, upon which a public utility or department of public
- 21           utilities created under IC 8-1-11.1 occupies the areas along,
- 22           under, upon, and across the streets, highways, or other public
- 23           property within such municipality or county. ~~and~~ Such **an**
- 24           ordinance or other determination of ~~such a~~ municipality or county
- 25           executive shall be in force and prima facie reasonable **if the**
- 26           **ordinance or determination complies with subsection (c).**
- 27           Upon complaint made by such public utility **or** department of
- 28           public utilities, or by any qualified complainant, as provided in
- 29           section 54 of this chapter, the commission shall set a hearing, as
- 30           provided in sections 54 to 67 of this chapter, and if it shall find
- 31           such ordinance or other determination to be unreasonable, such
- 32           ordinance or other determination shall be void.
- 33           (2) To require of any public utility, by ordinance, such additions
- 34           and extensions to its physical plant within said municipality or
- 35           county as shall be reasonable and necessary in the interest of the
- 36           public, and to **reasonably** designate the location and nature of all
- 37           such additions and extensions, the time within which they must be
- 38           completed, and all conditions under which they must be

1 constructed, subject to review by the commission as provided in  
2 subdivision (1).

3 (3) To provide for a penalty for noncompliance with the  
4 provisions of any ordinance or resolution adopted pursuant to the  
5 provisions of this section.

6 (4) The power and authority granted in this section shall exist and  
7 be vested in said municipalities or county executives, anything in  
8 this chapter to the contrary notwithstanding.

9 Provided, however, ~~whenever,~~ **after that if a public utility or**  
10 **department of public utilities makes** a request by petition in writing  
11 ~~of any public utility, department of public utilities,~~ **and completes any**  
12 **required permit application, and** the city or other political  
13 subdivision or other body having jurisdiction of the matter ~~shall refuse~~  
14 ~~or fail, refuses or fails,~~ for a period of ~~thirty (30)~~ **twenty-one (21)**  
15 **or twenty-eight (28) days, as applicable under subsection (c)(5),** to  
16 give or grant to such public utility or department of public utilities  
17 permission and authority to construct, maintain, and operate any  
18 ~~additional construction,~~ equipment or facility **within the public**  
19 **right-of-way as is** reasonably necessary for the transaction of the  
20 business of such public utility or department of public utilities and for  
21 the public convenience or interest, then such public utility or  
22 department of public utilities may file a petition with said commission  
23 for such right and permission. ~~which~~ **The** petition ~~shall~~ **must** state, with  
24 particularity, the ~~construction,~~ equipment or other facility desired to be  
25 constructed and operated, ~~and~~ show a reasonable public necessity  
26 therefor, and ~~also~~ **state** the failure or refusal of such city, political  
27 subdivision, or other body to give or grant such right or permission. ~~and~~  
28 **Upon receipt of the petition,** the commission shall ~~thereupon~~ give  
29 notice of the pendency of such petition, together with a copy thereof,  
30 to such city or other political subdivision or body, and of the time and  
31 place of hearing of the matter set forth in such petition. ~~and such~~ **The**  
32 commission shall have power to hear and determine such matters and  
33 to give or grant such right and permission and to impose such  
34 conditions in relation thereto as the necessity of such public utility or  
35 department of public utilities and the public convenience and interest  
36 may reasonably require, **subject to subsection (c).** Provided, further,  
37 that when the **construction, installation, maintenance, repair,**  
38 **relocation, or operation** by a public utility or department of public

1 utilities of any of its construction, equipment, or ~~facility located~~  
 2 **facilities is requested to be performed** within the corporate limits of  
 3 two (2) or more adjoining ~~cities~~ **political subdivisions and** is  
 4 reasonably necessary for the public convenience or interest, and any or  
 5 either of said ~~cities fail or refuse~~ **political subdivisions fails or refuses**  
 6 to give or grant to such public utility or department of public utilities  
 7 permission and authority to ~~relocate such construction, equipment, or~~  
 8 ~~facility,~~ **perform the requested work, the public utility, the**  
 9 **department of public utilities, or any municipality which political**  
 10 **subdivision that** has given or granted to such public utility or  
 11 department of public utilities permission and authority to ~~relocate such~~  
 12 ~~construction, equipment, and facility,~~ **the public utility or department**  
 13 **of public utilities perform the work** may file a petition with said  
 14 commission for such right and permission. ~~to which petition the city or~~  
 15 ~~cities failing or~~ **The political subdivision failing or** refusing to give or  
 16 grant the ~~same right and permission~~ shall be made a respondent **to the**  
 17 **petition,** and such public utility or department of public utilities, if not  
 18 the petitioner, shall also be made a respondent. ~~and said~~ **The**  
 19 commission shall have power to hear and determine such matter, ~~and~~  
 20 to give or grant such right and permission, and to impose such  
 21 conditions in relation thereto as the public convenience and interest  
 22 may reasonably require, ~~and~~ **subject to subsection (c).** If said  
 23 commission shall give or grant such right and permission, no further  
 24 public authority **is required for the public utility or department of**  
 25 **public utilities** to ~~make such relocation~~ **perform the work** as  
 26 authorized or to go on any street, alley, road, or highway in said ~~city or~~  
 27 ~~cities~~ **political subdivision** necessary to be used therefor. ~~shall be~~  
 28 ~~required of said public utility or department of public utilities.~~ All  
 29 orders entered before June 30, 1931, by the commission in cases within  
 30 the provisions of this section are hereby declared legal and valid.

31 (b) Subject to the commission's authority under subsection (a)(1)  
 32 with respect to an ~~unreasonable~~ ordinance or other determination **that**  
 33 **is unreasonable or does not comply with subsection (c),** the  
 34 municipality or county executive may operate and maintain the streets,  
 35 highways, and other public property in the municipality or county for  
 36 the safety of the traveling public, and a municipality or county  
 37 executive may manage the public right-of-way or require by ordinance

1 fair and reasonable compensation on a competitively neutral and  
 2 nondiscriminatory basis for occupation of the public right-of-way, ~~on~~  
 3 ~~a nondiscriminatory basis~~, including occupation by the municipality or  
 4 county executive, if the compensation required is publicly disclosed by  
 5 the municipality or county executive. Fair and reasonable  
 6 compensation may not exceed the municipality's or county executive's  
 7 direct, actual, **documented**, and reasonably incurred costs of managing  
 8 the public right-of-way **that are directly** caused by the public utility's  
 9 or department of public utilities' occupancy. The management costs,  
 10 which the municipality or county executive shall assign individually to  
 11 the public utility or department of public utilities creating the  
 12 management costs, must be limited to the direct, actual, **documented**,  
 13 and reasonably incurred costs a municipality or county incurs in  
 14 managing the public right-of-way. As used in this section, the term  
 15 "management costs" includes but is not limited to the costs to the  
 16 municipality or county of the following:

17 (1) ~~Registering occupants.~~ **Reviewing written requests or**  
 18 **applications for occupation.**

19 (2) Verifying ~~public right-of-way~~ **that the requested** occupation  
 20 **is within the public right-of-way.**

21 (3) **Updating municipal or county records to reflect the**  
 22 **occupation.**

23 ~~(3)~~ (4) Inspecting job sites and restoration projects.

24 ~~(4)~~ (5) ~~Restoring~~ **Performing restoration** work inadequately  
 25 performed after providing notice and the opportunity to correct  
 26 the work.

27 ~~(5)~~ (6) Administering a reasonable restoration ordinance that  
 28 ensures that a public utility or department of public utilities  
 29 adequately restores the right-of-way as near as is reasonably  
 30 possible to the right-of-way's original condition.

31 ~~(6)~~ (7) Management costs associated with the implementation of  
 32 an ordinance adopted under this section.

33 However, as used in this section, direct, actual, **documented**, and  
 34 reasonably incurred management costs do not include rents, franchise  
 35 fees, or any other payment by a public utility or department of public  
 36 utilities for occupation of the public right-of-way, **or any costs**  
 37 **incurred by the municipality or county that are not directly**  
 38 **associated with the public utility's or department of public utilities'**

1 **occupation of the public right-of-way.** As used in this section, the  
2 term "public right-of-way" does not include the airwaves above the  
3 streets, highways, or other public property within the municipality or  
4 county as those airwaves are used for cellular or other nonwire  
5 telecommunications or broadcast service.

6 (c) A municipality or county executive may not unreasonably delay  
7 a public utility's or department of public utilities' access to or use of a  
8 street, highway, or other public property within the municipality or  
9 county. However, subsection (a)(1) and this subsection do not limit a  
10 municipality or county executive's right to advance notification of and  
11 review of a public utility's or department of public utilities' occupation  
12 of a street, highway, or other public property within the municipality or  
13 county to ensure and protect the safety of the public, **subject to the**  
14 **following:**

15 (1) **A municipality or county executive may require a utility**  
16 **that is not subject to the commission's jurisdiction to carry**  
17 **liability insurance covering the work to be performed or the**  
18 **occupation of the public right-of-way in an amount not**  
19 **greater than the cost of returning the public right-of-way to**  
20 **a condition equivalent to the public right-of-way's condition**  
21 **before the performance of the work. However, the**  
22 **municipality or county executive may not require such a**  
23 **utility to provide proof of liability insurance more than once**  
24 **in a calendar year, or in a calendar year in which the utility**  
25 **does not apply for a permit from the municipality or county**  
26 **executive under this section.**

27 (2) **A municipality or county executive may not require a**  
28 **public utility or department of public utilities to submit more**  
29 **than one (1) drawing or site plan showing:**

30 (A) **the location of the facilities or equipment to be**  
31 **installed, maintained, or operated;**

32 (B) **the size of and materials comprising the facilities or**  
33 **equipment to be installed;**

34 (C) **the length of the installation; and**

35 (D) **the number of road cuts, road bores, or bridge or other**  
36 **structural attachments required for the installation,**  
37 **maintenance, or operation of the equipment or facilities.**

38 (3) **A municipality or county executive may not require a**

1 public utility or department of public utilities to submit more  
2 than one (1) notice, request, or application packet for the  
3 work to be performed or the occupation of the public  
4 right-of-way. If the notice, request, or application requires the  
5 review of more than one (1) department, board, or other  
6 entity within the municipality or county, the municipality or  
7 county executive must coordinate the review among the  
8 departments, boards, or other entities before issuing a  
9 determination.

10 (4) A municipality or county executive may charge only one  
11 (1) fee for compensation under subsection (b), regardless of  
12 the number of departments, boards, or other entities that  
13 must review the request or application.

14 (5) A municipality or county executive must issue a  
15 determination regarding an application or request for  
16 occupation of the right-of-way not later than:

17 (A) twenty-one (21) days after the date of the application  
18 or request; or

19 (B) twenty-eight (28) days after the date of the application  
20 or request if the municipality or county executive provides  
21 written notice to the applicant of the extension and the  
22 reason for the extension.

23 The municipality's or county executive's determination under  
24 this subdivision must include confirmation that the requested  
25 occupation is within the public right-of-way of the  
26 municipality or county. If a municipality or county executive  
27 fails to issue a determination regarding an application or  
28 request for occupation of the right-of-way in the time  
29 required under clause (A) or clause (B), as applicable, the  
30 application or request is considered approved. However, if the  
31 applicant requires additional time to cure defects in the  
32 applicant's application or request, or if the review of the  
33 application or request by the municipality or county executive  
34 is otherwise delayed by the applicant, the time period  
35 described in clause (A) or clause (B) within which the  
36 municipality or county executive must issue a determination  
37 is extended for a corresponding amount of time.

38 (6) Municipalities and county executives shall, to the extent



1           **practicable, establish notice, request, and application**  
2           **procedures and forms that are uniform, reasonable, and brief.**  
3           **To the extent such procedures and forms are prescribed by**  
4           **law or regulation, or by an entity formed to represent the**  
5           **interests of Indiana municipalities or counties, municipalities**  
6           **and counties shall use such procedures and forms as**  
7           **prescribed. A municipality or county executive must**  
8           **electronically receive and process notices, requests, and**  
9           **applications for public utilities' and departments of public**  
10          **utilities' occupation of the right-of-way.**

11          **(7) Municipalities and county executives shall, to the extent**  
12          **practicable, work collaboratively with utilities to ensure that**  
13          **the public right-of-way is returned to its original condition**  
14          **within a reasonable amount of time.**

15          **(d) This section may not be construed to entitle a municipality**  
16          **or county executive the right to advance notification and review of**  
17          **work by a public utility or department of public utilities:**

18               **(1) that is performed on existing equipment or facilities**  
19               **located within the public right-of-way; and**

20               **(2) that:**

21                       **(A) does not require ground disturbance activities;**

22                       **(B) does not affect traffic flow; or**

23                       **(C) is required due to a bona fide emergency that threatens**  
24                       **injury to persons, loss of property, or loss or disturbance**  
25                       **of utility service.**

26          **For purposes of this subsection, "ground disturbance activities"**  
27          **means any work, operation, or activity that results in a disturbance**  
28          **of the earth, including excavating, digging, trenching, cultivating,**  
29          **drilling, tunneling, boring, backfilling, blasting, topsoil stripping,**  
30          **clearing, or grading. The term does not include maintenance or**  
31          **other minor work, such as checking or inspecting handholes,**  
32          **manholes, or other facilities.**

33          ~~(d)~~ **(e) Nothing in this section may be construed to:**

34               **(1) affect franchise agreements between a cable company and a**  
35               **municipality or county; or**

36               **(2) modify the service area rights of a utility under any other**  
37               **law."**

38          Delete pages 4 through 11.

- 1 Page 12, delete lines 1 through 24.
- 2 Page 16, line 16, delete "The" and insert "**Except as specifically**
- 3 **required under state or federal law, or except as required to**
- 4 **respond to consumer complaints or information requests from the**
- 5 **general assembly, the".**
- 6 Page 16, line 19, delete "the communications service" and insert "**a**
- 7 **petition or request filed or submitted to the commission by the**
- 8 **communications service provider,".**
- 9 Page 16, delete line 20.
- 10 Page 16, line 21, delete "under IC 8-1-32.5,".
- 11 Page 16, line 29, delete "service, and service availability and maps
- 12 of" and insert "**service."**
- 13 Page 16, delete line 30.
- 14 Page 16, delete lines 31 through 42, begin a new paragraph and
- 15 insert:
- 16 "SECTION 7. IC 8-1-32.3-15, AS AMENDED BY P.L.23-2018,
- 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2021]: Sec. 15. (a) This chapter applies to permits issued by
- 19 a permit authority to a communications service provider, under local
- 20 law and consistent with IC 36-7, for the following:
- 21 (1) Construction of a new wireless support structure.
- 22 (2) Substantial modification of a wireless support structure.
- 23 (3) Collocation of wireless facilities on an existing structure.
- 24 (4) Construction, placement, and use of small cell facilities.
- 25 (b) A permit authority may not require an application or a permit
- 26 for, or charge fees for, any of the following:
- 27 (1) The routine maintenance of wireless facilities.
- 28 (2) The replacement of wireless facilities with wireless facilities
- 29 that are:
- 30 (A) substantially similar to; or
- 31 (B) the same size or smaller than;
- 32 the wireless facilities being replaced.
- 33 (3) The installation, placement, maintenance, or replacement of
- 34 micro wireless facilities that are suspended on cables strung
- 35 between existing utility poles in compliance with applicable codes
- 36 by a communications service provider that is authorized to use the
- 37 public rights-of-way. For purposes of this subdivision, "applicable
- 38 codes" means uniform building, fire, electrical, plumbing, or

- 1 mechanical codes that are:
- 2 (A) adopted by a recognized national code organization; and
- 3 (B) enacted solely to address imminent threats of destruction
- 4 of property or injury to persons;
- 5 including any local amendments to those codes.
- 6 (c) With respect to the construction, placement, or use of a small
- 7 cell facility and the associated supporting structure, a permit authority
- 8 may prohibit the placement of a new utility pole or a new wireless
- 9 support structure in a right-of-way within an area that is designated
- 10 strictly for underground or buried utilities, if all of the following apply:
- 11 (1) The area is designated strictly for underground or buried
- 12 utilities before May 1, 2017.
- 13 **(2) No above ground:**
- 14 **(A) wireless support structure;**
- 15 **(B) utility pole; or**
- 16 **(C) other utility superstructure;**
- 17 **other than light poles, exists in the area.**
- 18 ~~(2)~~ **(3)** The permit authority does all of the following:
- 19 (A) Allows the collocation of small cell facilities on existing:
- 20 (i) utility poles; ~~and~~
- 21 **(ii) light poles; and**
- 22 ~~(ii)~~ **(iii)** wireless support structures;
- 23 **as a permitted use** within the area.
- 24 (B) Allows the replacement or improvement of existing:
- 25 (i) utility poles; ~~and~~
- 26 **(ii) light poles; and**
- 27 ~~(ii)~~ **(iii)** wireless support structures;
- 28 **as a permitted use** within the area.
- 29 (C) Provides:
- 30 (i) a waiver;
- 31 (ii) a zoning process; or
- 32 (iii) another procedure;
- 33 that addresses requests to install new utility poles or new
- 34 wireless support structures within the area.
- 35 (D) Upon receipt of an application for the construction,
- 36 placement, or use of a small cell facility on one (1) or more
- 37 new utility poles or one (1) or more new wireless support
- 38 structures in an area that is designated strictly for underground

1 or buried utilities, posts notice of the application on the permit  
 2 authority's Internet web site, if the permit authority maintains  
 3 an Internet web site. The notice of the application required by  
 4 this clause must include a statement indicating that the  
 5 application is available to the public upon request.

6 ~~(3)~~ **(4)** The prohibition or other restrictions with respect to the  
 7 placement of new utility poles or new wireless support structures  
 8 within the area are applied in a nondiscriminatory manner.

9 ~~(4)~~ **(5)** The area is zoned strictly for residential land use before  
 10 May 1, 2017.

11 **(d) With respect to applications for the placement of one (1) or**  
 12 **more small cell facilities in an area that is zoned strictly for**  
 13 **residential land use, and that is designated strictly for underground**  
 14 **or buried utilities, a permit authority shall allow a neighborhood**  
 15 **association or a homeowners association to register with the permit**  
 16 **authority to:**

17 **(1) receive notice; and**

18 **(2) request that homeowners within the jurisdiction of the**  
 19 **neighborhood association or homeowners association receive**  
 20 **notice;**

21 by United States mail of any application filed with the permit authority  
 22 for the construction, placement, or use of a small cell facility on one (1)  
 23 or more new utility poles or one (1) or more new wireless support  
 24 structures in an area **that is designated strictly for underground or**  
 25 **buried utilities and that is** within the jurisdiction of the neighborhood  
 26 association or homeowners association. If the permit authority  
 27 maintains an Internet web site, the permit authority shall post on the  
 28 permit authority's Internet web site instructions for how a neighborhood  
 29 association or homeowners association may register to receive notice  
 30 under this subsection. **A permit authority that receives a request**  
 31 **under subdivision (2) may agree to provide notice to homeowners**  
 32 **regarding a project for which applications described in this**  
 33 **subsection have been filed with the permit authority, but not**  
 34 **provide notice to homeowners regarding each permit application**  
 35 **filed with the permit authority with respect to the project. A**  
 36 **permit authority that receives a request under subdivision (2) may**  
 37 **agree to provide notice only to certain homeowners. A permit**  
 38 **authority may require a neighborhood association, homeowners**

1 **association, or homeowner to pay the cost of postage associated**  
2 **with the provision of notice to the neighborhood association,**  
3 **homeowners association, or homeowner under this subsection. A**  
4 **permit authority that provides notice under this subsection at its**  
5 **own cost may not pass those costs along to a permit applicant. To**  
6 **the extent technically feasible, a permit authority shall collaborate**  
7 **with a neighborhood association or homeowners association on the**  
8 **location and aesthetics of new utility poles added within the**  
9 **jurisdiction of the neighborhood association or homeowners**  
10 **association.**

11 (e) Subject to section 26(b) of this chapter, with respect to the  
12 construction, placement, or use of a small cell facility and the  
13 associated supporting structure within an area:

- 14 (1) designated as a historic preservation district under IC 36-7-11;
- 15 (2) designated as a historic preservation area under IC 36-7-11.1;
- 16 or
- 17 (3) that is subject to the jurisdiction of the Meridian Street  
18 preservation commission under IC 36-7-11.2;

19 a permit authority may apply any generally applicable procedures that  
20 require applicants to obtain a certificate of appropriateness.

21 (f) An applicant for the placement of a small cell facility and an  
22 associated supporting structure shall comply with applicable:

- 23 (1) Federal Communications Commission requirements; and
- 24 (2) industry standards;

25 for identifying the owner's name and contact information.

26 (g) A resolution, ordinance, or other regulation:

- 27 (1) adopted by a permit authority after April 14, 2017, and before  
28 May 2, 2017; and
- 29 (2) that designates an area within the jurisdiction of the permit  
30 authority as strictly for underground or buried utilities;

31 applies only to communications service providers and those geographic  
32 areas that are zoned residential and where all existing utility  
33 infrastructure is already buried."

34 Delete pages 17 through 18.

35 Page 19, delete line 1 through 7.

36 Page 19, line 31, delete "A" and insert "**Except as described in**  
37 **section 26(a) of this chapter with respect to small cell facilities, and**  
38 **subject to the restrictions under 14 CFR Part 77, 47 CFR Part 17,**

- 1 **and IC 8-21-10, a".**
- 2 Page 19, line 32, after "on" insert "**the**".
- 3 Page 19, line 34, delete "distance" and insert "**distances**".
- 4 Page 19, delete lines 36 through 42.
- 5 Page 20, delete lines 1 through 6.
- 6 Page 23, line 16, delete "service," and insert "**programming,**".
- 7 Renumber all SECTIONS consecutively.  
(Reference is to HB 1164 as introduced.)

**and when so amended that said bill do pass.**

Representative Soliday

*Ed Soliday*

