

# HOUSE BILL No. 1065

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-28-33; IC 8-1-41.

**Synopsis:** High speed Internet service. Transfers the supervision and administration of the high speed Internet service deployment and adoption initiative from the Indiana economic development corporation to the Indiana utility regulatory commission (IURC). Changes the minimum speed thresholds for broadband services to at least 25 megabits per second downstream and at least four 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 IURC in developing and implementing high speed Internet service. Directs the IURC to study certain topics regarding broadband services in Indiana and issue a report to the interim study committee on energy, utilities, and telecommunications before September 1, 2018.

**Effective:** Upon passage; July 1, 2018.

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## Ober, Negele, Hatfield

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January 3, 2018, read first time and referred to Committee on Utilities, Energy and Telecommunications.

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Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## HOUSE BILL No. 1065

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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 IC 5-28-33 IS REPEALED [EFFECTIVE JULY 1,
- 2 2018]. (High Speed Internet Service Deployment and Adoption
- 3 Initiative).
- 4 SECTION 2. IC 8-1-41 IS ADDED TO THE INDIANA CODE AS
- 5 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 6 1, 2018]:
- 7 **Chapter 41. High Speed Internet Service Deployment and**
- 8 **Adoption Initiative**
- 9 **Sec. 1. As used in this chapter, "commission" refers to the**
- 10 **Indiana utility regulatory commission created by IC 8-1-1-2.**
- 11 **Sec. 2. As used in this chapter, "GIS" refers to the statewide**
- 12 **geographic information system created under section 5 of this**
- 13 **chapter.**
- 14 **Sec. 3. As used in this chapter, "high speed Internet service"**
- 15 **means a connection to the Internet that provides capacity for**
- 16 **transmission at an average speed of at least twenty-five (25)**
- 17 **megabits per second downstream and at least four (4) megabits per**



1 second upstream, regardless of the technology or medium used to  
2 provide the connection.

3 Sec. 4. (a) On July 1, 2018, all powers, duties, assets, and  
4 liabilities of the Indiana economic development corporation  
5 concerning the high speed Internet service deployment and  
6 adoption initiative under IC 5-28-33 (before its repeal) are  
7 transferred to the commission.

8 (b) The rules adopted by the Indiana economic development  
9 corporation concerning the high speed Internet service deployment  
10 and adoption initiative under IC 5-28-33 (before its repeal) shall be  
11 treated, after June 30, 2018, as rules of the commission.

12 (c) On July 1, 2018, all appropriations to the Indiana economic  
13 development corporation relating to the high speed Internet service  
14 deployment and adoption initiative under IC 5-28-33 (before its  
15 repeal) are transferred to the commission.

16 Sec. 5. (a) The commission shall develop a high speed Internet  
17 service deployment and adoption initiative that includes the  
18 creation of a statewide geographic information system (GIS) of  
19 available telecommunications and information technology services,  
20 including high speed Internet service.

21 (b) The commission shall map the availability of broadband  
22 service by census blocks established by the Bureau of the Census  
23 and depicted in the GIS. A map created under this subsection may:

24 (1) include the percentage of households that have access to  
25 broadband service; and

26 (2) use the Federal Communications Commission benchmark  
27 rates for broadband service to identify different speed tiers.

28 (c) The commission shall share the map created under  
29 subsection (b) and the GIS, including updates, with the Indiana  
30 Geographic Information Council (as referred to in IC 4-23-7.3-6)  
31 as a data layer to the statewide base map (as defined in  
32 IC 4-23-7.3-11).

33 Sec. 6. (a) A person or entity that provides data or other  
34 information to the commission for inclusion in the GIS may  
35 designate the data or information as confidential for any purpose,  
36 including for purposes of IC 5-14-3-4.

37 (b) The commission shall, upon request, enter into a  
38 nondisclosure agreement with a person or entity described in  
39 subsection (a) concerning proprietary information submitted to the  
40 commission by the person or entity.

41 Sec. 7. The commission may enter into a contract to develop all  
42 or part of the initiative as described in section 5 of this chapter.



1           **Sec. 8. The commission may apply for state broadband data and**  
2 **development grants under the federal Broadband Data**  
3 **Improvement Act and the American Recovery and Reinvestment**  
4 **Act of 2009.**

5           **Sec. 9. This chapter may not be construed as authorizing the**  
6 **commission to regulate communications service providers (as**  
7 **defined in IC 8-1-32.5-4).**

8           **Sec. 10. In implementing this chapter, the commission shall**  
9 **consult with the Indiana finance authority to avoid unnecessary**  
10 **duplication of efforts under this chapter and IC 8-1-33.**

11           **Sec. 11. The commission shall establish the following priorities**  
12 **in developing and implementing the high speed Internet service**  
13 **deployment and adoption initiative:**

14           **(1) First, extending the deployment of high speed Internet**  
15 **service to areas where:**

16                   **(A) Internet connections are unavailable; or**

17                   **(B) the only available Internet connections provide**  
18 **capacity for transmission at an average speed of less than**  
19 **one (1) megabit per second downstream.**

20           **(2) Second, extending the deployment of high speed Internet**  
21 **service to areas where the only available Internet connections**  
22 **provide capacity for transmission at an average speed of:**

23                   **(A) not less than one (1) megabit; and**

24                   **(B) not more than twenty-five (25) megabits;**  
25 **per second downstream.**

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

28           **Sec. 12. The commission is designated as the single eligible entity**  
29 **to receive a grant under 47 U.S.C. 1304.**

30           **SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this**  
31 **SECTION, "commission" refers to the Indiana utility regulatory**  
32 **commission created by IC 8-1-1-2.**

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

36           **(c) Before September 1, 2018, the commission shall study the**  
37 **following topics:**

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

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

42                   **(3) The eligibility requirements for service providers to**



- 1 receive disbursements from the Indiana universal service  
2 fund.  
3 **(4) Broadband deployment (expansion and improvement of**  
4 **access to broadband services).**  
5 **(5) Broadband adoption.**  
6 **(6) Federal funding sources.**  
7 **(7) Barriers to broadband adoption and broadband**  
8 **deployment.**  
9 **(8) Any other matter concerning:**  
10 **(A) universal service reform;**  
11 **(B) high cost or universal service funding mechanisms; or**  
12 **(C) rural broadband in Indiana;**  
13 **that the commission considers appropriate.**  
14 **(d) As part of its study, the commission may request information**  
15 **from:**  
16 **(1) service providers and customers; and**  
17 **(2) any experts, stakeholders, or other interested parties;**  
18 **concerning the topics outlined in subsection (c).**  
19 **(e) Not later than September 1, 2018, the commission shall issue**  
20 **a final report to the committee, in an electronic format under**  
21 **IC 5-14-6, containing the commission's findings and**  
22 **recommendations on the topics outlined in subsection (c).**  
23 **(f) This SECTION expires January 1, 2019.**  
24 **SECTION 4. An emergency is declared for this act.**

