

# SENATE BILL No. 264

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** Noncode.

**Synopsis:** Broadband capacity infrastructure study. Urges the legislative council to assign to the interim study committee on energy, utilities, and telecommunications (committee) the topic of the 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. Provides that if a study is assigned to the committee: (1) the committee must consider certain specified issues; and (2) an electric utility may submit to the committee, not later than July 1, 2021, a study concerning the feasibility of making available broadband capacity infrastructure for use by broadband service providers in providing broadband service in unserved or underserved areas in the electric utility's assigned service area.

**Effective:** Upon passage.

---

---

## Koch

---

---

January 11, 2021, read first time and referred to Committee on Utilities.

---

---



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

# SENATE BILL No. 264

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.**
- 16 (e) **The legislative council is urged to assign to the committee the**
- 17 **task of studying, during the 2021 legislative interim, the installing**
- 18 **and leasing of broadband capacity infrastructure by electric**



1 utilities to broadband service providers for the provision of  
2 broadband Internet service to unserved and underserved areas in  
3 Indiana. If a study is assigned to the committee under this  
4 SECTION, the study must include consideration of the following:

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

8 (2) The capability of electric utilities to support the  
9 deployment of broadband Internet service to unserved and  
10 underserved areas in Indiana.

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

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

20 (f) If a study is assigned to the committee under this SECTION,  
21 an electric utility may submit to the committee a study concerning  
22 the feasibility of making available broadband capacity  
23 infrastructure for use by broadband service providers in providing  
24 broadband service in unserved or underserved areas in the electric  
25 utility's assigned service area. A report that an electric utility elects  
26 to submit under this subsection must be submitted in an electronic  
27 format under IC 5-14-6 not later than July 1, 2021, to the executive  
28 director of the legislative services agency for distribution to  
29 members of the committee.

30 (g) This SECTION expires January 1, 2022.

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

