

SENATE BILL No. 144

By Committee on Utilities

2-2

Proposed Amendments to
SB 144
House Committee on Energy, Utilities and
Telecommunications
March 15, 2023
Prepared by Office of Revisor of Statutes

1 AN ACT concerning the video competition act; exempting providers of
2 broadcast satellite services and video programming delivered over the
3 internet from the provisions of such act; amending K.S.A. 12-2022 and
4 repealing the existing section.

5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 12-2022 is hereby amended to read as follows: 12-
8 2022. For purposes of the video competition act:

9 (a) "Cable service"~~is means the same as defined as set forth~~ in 47
10 U.S.C. § 522.

11 (b) "Cable operator"~~is means the same as defined as set forth~~ in 47
12 U.S.C. § 522.

13 (c) "Cable system"~~is means the same as defined as set forth~~ in 47
14 U.S.C. § 522.

15 (d) "Communications service" means information service or
16 telecommunications service as defined in 47 U.S.C. § 153.

17 (e) "Competitive video service provider" means an entity providing
18 video service that is not franchised as a cable operator in the state of
19 Kansas as of the effective date of this act and is not an affiliate, successor
20 or assign of such cable operator.

21 (f) "Franchise" means an initial authorization, or renewal of an
22 authorization, issued by a municipality, regardless of whether the
23 authorization is designed as a franchise, permit, license, resolution,
24 contract, certificate, agreement or otherwise, that authorizes the
25 construction and operation of a cable system.

26 (g) "Micro wireless facility" means equipment at a fixed location that
27 is:

28 (1) Installed on cables that are owned and operated by a video service
29 provider between utility poles as defined in K.S.A. 66-2019, and
30 amendments thereto;

31 (2) used to provide communications service; and

32 (3) not larger in dimension than 24 inches in length, 15 inches in
33 width and 12 inches in height and does not have any associated exterior
34 antenna longer than 11½ inches.

35 (h) "Municipality" means a city or county.

36 (i) "Video programming" means programming provided by, or

1 generally considered comparable to programming provided by, a television
2 broadcast station, as set forth in 47 U.S.C. § 522.

3 (j) "Video service" means video programming services provided by a
4 video services provider through wireline facilities owned, controlled,
5 constructed or operated by the provider of such video service and located
6 at least in part in the public rights-of-way without regard to delivery
7 technology, including internet protocol technology. ~~This definition "Video~~
8 ~~service" does not include any video programming provided by:~~

9 (1) A commercial mobile service provider defined in 47 U.S.C. §
10 332(d), unless such programming is determined by the federal
11 communications commission to be cable service;

12 (2) a provider of direct-to-home satellite services, as defined in 47
13 U.S.C. 303(f), that are transmitted from a satellite directly to a customer's
14 premises without using or accessing any portion of the public right-of-
15 way; or

16 (3) a provider of video programming accessed through a service that
17 enables users to access content, information, email or other services
18 offered over the internet including streaming content.

19 (k) "Video service authorization" means the right of a video service
20 provider to offer video programming to any subscribers anywhere in the
21 state of Kansas.

22 (l) "Video service provider" means a cable operator or a competitive
23 video service provider that provides a video service.

24 (m) "Video service provider fee" means the fee imposed upon video
25 service providers pursuant to K.S.A. 12-2024, and amendments thereto.

26 Sec. 2. K.S.A. 12-2022 is hereby repealed.

27 Sec. 3. This act shall take effect and be in force from and after its
28 publication in the statute book.

and that does not utilize wireline facilities located within any
portion of the public right-of-way that are owned, controlled,
constructed or operated by such provider