

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Utilities, to which was referred Senate Bill No. 492, 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:

- 1 Page 2, between lines 40 and 41, begin a new paragraph and insert:
2 "SECTION 2. IC 8-1-2.6-1.2, AS AMENDED BY P.L.1-2007,
3 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2013]: Sec. 1.2. Except as provided in sections 1.5(b) ~~12~~; and
5 13 of this chapter, after March 27, 2006, the commission shall not
6 exercise jurisdiction over any nonbasic telecommunications service."
7 Page 7, between lines 1 and 2, begin a new paragraph and insert:
8 "SECTION 4. IC 8-1-2.6-1.4, AS AMENDED BY P.L.1-2007,
9 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2013]: Sec. 1.4. Except as provided in sections 1.5(b) ~~12~~; and
11 13 of this chapter, after June 30, 2009, the commission shall not
12 exercise jurisdiction over basic telecommunications service."
13 Page 8, line 6, delete ":" and insert "**, the filing of the tariff with**
14 **the commission serves as the public notice of the filing of the tariff.**
15 **The commission may provide the public with notice of tariff filings**
16 **through the commission's Internet web site or other electronic**
17 **means."**
18 Page 8, delete lines 7 through 42, begin a new paragraph and insert:
19 "SECTION 6. IC 8-1-2.6-4, AS AMENDED BY P.L.62-2009,
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

- 1 UPON PASSAGE]: Sec. 4. (a) A regulatory flexibility committee is
 2 established to monitor competition in the telecommunications industry.
- 3 (b) The committee is composed of the members of a house standing
 4 committee selected by the speaker of the house of representatives and
 5 a senate standing committee selected by the president pro tempore of
 6 the senate. In selecting standing committees under this subsection, the
 7 speaker and president pro tempore shall determine which standing
 8 committee of the house of representatives and the senate, respectively,
 9 has subject matter jurisdiction that most closely relates to the
 10 electricity, gas, energy policy, and telecommunications jurisdiction of
 11 the regulatory flexibility committee. The chairpersons of the standing
 12 committees selected under this subsection shall co-chair the regulatory
 13 flexibility committee.
- 14 (c) **Subject to subsection (f)**, the commission shall, by July 1 of
 15 each year, prepare for presentation to the regulatory flexibility
 16 committee a report that includes the following:
- 17 (1) An analysis of the effects of competition and technological
 18 change on universal service and on pricing of all
 19 telecommunications services offered in Indiana.
- 20 (2) An analysis of the status of competition and technological
 21 change in the provision of video service (as defined in
 22 IC 8-1-34-14) to Indiana customers, as determined by the
 23 commission in carrying out its duties under IC 8-1-34. The
 24 commission's analysis under this subdivision ~~must~~ **may** include
 25 a description of:
- 26 (A) the number of multichannel video programming
 27 distributors offering video service to Indiana customers;
 28 (B) the technologies used to provide video service to Indiana
 29 customers; and
 30 (C) the effects of competition on the pricing and availability of
 31 video service in Indiana.
- 32 (3) Beginning with the report due July 1, 2007, ~~and in each report~~
 33 ~~due in an odd-numbered year after July 1, 2007:~~ **2013:**
- 34 (A) an identification of all telecommunications rules and
 35 policies that are eliminated by the commission under section
 36 4.1 of this chapter during the two (2) most recent state fiscal
 37 years; and
 38 (B) an explanation why the telecommunications rules and

1 policies identified under clause (A) are no longer in the public
2 interest or necessary to protect consumers.

3 (4) ~~Beginning with the report due July 1, 2010~~; Best practices
4 concerning vertical location of underground facilities for purposes
5 of IC 8-1-26. A report under this subdivision must address the
6 viability and economic feasibility of technologies used to
7 vertically locate underground facilities.

8 (d) In addition to reviewing the commission report prepared under
9 subsection (c), the regulatory flexibility committee ~~shall~~ **may** also issue
10 a report and recommendations to the legislative council by November
11 1 of each year that is based on a review of the following issues:

12 (1) The effects of competition and technological change in the
13 telecommunications industry and impact of competition on
14 available subsidies used to maintain universal service.

15 (2) The status of modernization of the publicly available
16 telecommunications infrastructure in Indiana and the incentives
17 required to further enhance this infrastructure.

18 (3) The effects on economic development and educational
19 opportunities of the modernization described in subdivision (2).

20 (4) The current methods of regulating providers, at both the
21 federal and state levels, and the effectiveness of the methods.

22 (5) The economic and social effectiveness of current
23 telecommunications service pricing.

24 (6) All other telecommunications issues the committee deems
25 appropriate.

26 The report and recommendations issued under this subsection to the
27 legislative council must be in an electronic format under IC 5-14-6.

28 (e) The regulatory flexibility committee shall meet on the call of the
29 co-chairpersons to study telecommunications issues described in
30 subsection (d). The committee shall, with the approval of the
31 commission, retain the independent consultants the committee
32 considers appropriate to assist the committee in the review and study.
33 The expenses for the consultants shall be paid by the commission."

34 Delete page 9.

35 Page 10, delete lines 1 through 3, begin a new paragraph and insert:

36 **"(f) If the commission requests a communications service**
37 **provider (as defined in section 13(b) of this chapter) to provide**
38 **information for the commission to use in preparing a report under**

1 subsection (c), the request must be limited to public information
 2 provided to the Federal Communications Commission and may be
 3 required to be provided only in the form in which it is provided to
 4 the Federal Communications Commission. However, the
 5 commission may request any public information from a
 6 communications service provider (as defined in section 13(b) of this
 7 chapter) upon a request from the committee's co-chairpersons that
 8 specifically enumerates the public information sought."

- 9 Page 11, line 31, reset in roman "(1)".
- 10 Page 11, line 31, delete "enforce" and insert "Enforce".
- 11 Page 11, line 31, reset in roman "the terms of a".
- 12 Page 11, reset in roman lines 32 through 34.
- 13 Page 11, line 35, reset in roman "(2)".
- 14 Page 11, line 35, delete "(1)".
- 15 Page 11, line 38, reset in roman "(3)".
- 16 Page 11, line 38, delete "(2)".
- 17 Page 11, line 42, reset in roman "(4)".
- 18 Page 11, line 42, delete "(3)".
- 19 Page 12, line 8, reset in roman "(5)".
- 20 Page 12, line 8, delete "(4)".
- 21 Page 12, line 15, reset in roman "(6)".
- 22 Page 12, line 15, delete "(5)".
- 23 Page 12, line 17, reset in roman "(7)".
- 24 Page 12, line 17, delete "(6)".
- 25 Page 12, line 24, reset in roman "(8)".
- 26 Page 12, line 24, delete "(7)".
- 27 Page 12, line 28, reset in roman "(9)".
- 28 Page 12, line 28, delete "(8)".
- 29 Page 13, line 11, after "(D)" insert "**subject to section 4(f) of this**
 30 **chapter,**".
- 31 Page 13, line 28, reset in roman "(10)".
- 32 Page 13, line 28, delete "(9)".
- 33 Page 13, line 32, reset in roman "(11)".
- 34 Page 13, line 32, delete "(10)".
- 35 Page 13, line 36, delete "(11)" and insert "**(12)**".
- 36 Page 14, line 9, delete "(12)" and insert "**(13)**".
- 37 Page 14, line 27, strike "(f)".
- 38 Page 14, line 27, after "2009," insert "**(e)**".

1 Page 14, between lines 37 and 38, begin a new paragraph and insert:
 2 "SECTION 11. IC 8-1-2.6-15, AS ADDED BY P.L.27-2006,
 3 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2013]: Sec. 15. (a) Except as provided in subsection (b), If
 5 there is a conflict between this chapter and another provision of this
 6 article, this chapter controls.

7 (b) This chapter does not affect the rights of:
 8 (1) a provider that has withdrawn from the commission's
 9 jurisdiction under IC 8-1-2-88.5 or IC 8-1-17-22.5 before March
 10 28, 2006; to remain outside the jurisdiction of the commission
 11 during the transition period described in section 1.3 of this
 12 chapter; or
 13 (2) a provider that:
 14 (A) has not withdrawn from the commission's jurisdiction
 15 under IC 8-1-2-88.5 or IC 8-1-17-22.5 before March 28, 2006;
 16 and
 17 (B) is otherwise eligible to withdraw from the commission's
 18 jurisdiction under IC 8-1-2-88.5 or IC 8-1-17-22.5;
 19 to withdraw from the commission's jurisdiction under
 20 IC 8-1-2-88.5 or IC 8-1-17-22.5 at any time during the transition
 21 period described in section 1.3 of this chapter.

22 Except as provided in section 13(d)(5) of this chapter, after June 30,
 23 2009, section 1.4 of this chapter applies to a provider described in this
 24 subsection."

25 Page 16, between lines 12 and 13, begin a new paragraph and insert:
 26 "SECTION 15. IC 24-5-12-25 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25. (a) If a person
 28 makes a solicitation to a prospect that is outside of the course of
 29 dealing (as described in IC 26-1-1-205), whether personally, through
 30 salespersons, or through the use of an automated dialing and answering
 31 device, the person may not knowingly or intentionally block or attempt
 32 to block the display of the person's:
 33 (1) telephone number; or
 34 (2) identity;
 35 by a caller ID service (as defined by IC 8-1-2.9-1) when attempting to
 36 initiate a telephone conversation for the purpose of making a
 37 solicitation to a prospect.

38 (b) A person who knowingly or intentionally violates this section

1 commits a Class B misdemeanor. However, the offense is a Class A
2 misdemeanor if the person has a previous unrelated conviction under
3 this subsection."

4 Renumber all SECTIONS consecutively.
(Reference is to SB 492 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Merritt

Chairperson