

HOUSE BILL NO. 4965

September 12, 2023, Introduced by Reps. Andrews, Conlin, Morse, Weiss, Wilson, Haadsma, Farhat, Glanville, Snyder and Aiyash and referred to the Committee on Regulatory Reform.

A bill to amend 2006 PA 480, entitled
"Uniform video services local franchise act,"
by amending section 1 (MCL 484.3301).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act ~~shall be known and~~ may be cited as the
2 "uniform video services local franchise act".

3 (2) As used in this act:

4 (a) "Cable operator" means that term as defined in 47 USC
5 522(5).

6 (b) "Cable service" means that term as defined in 47 USC
7 522(6).

1 (c) "Cable system" means that term as defined in 47 USC
2 522(7).

3 (d) "Commission" means the Michigan public service commission.

4 (e) "Franchising entity" means the local unit of government in
5 which a provider offers video services through a franchise.

6 (f) "Household" means a house, an apartment, a mobile home, or
7 any other structure or part of a structure intended for residential
8 occupancy as separate living quarters.

9 (g) "Incumbent video provider" means a cable operator serving
10 cable subscribers or a telecommunication provider providing video
11 services through the provider's existing telephone exchange
12 boundaries in a particular franchise area within a local unit of
13 government on ~~the effective date of this act.~~ **January 1, 2007.**

14 (h) "IPTV" means internet protocol television.

15 (i) "Local unit of government" means a city, village, or
16 township.

17 (j) "Low-income household" means a household with an average
18 annual household income of less than \$35,000.00 as determined by
19 the most recent decennial census.

20 (k) "Open video system" or "OVS" means that term as ~~defined~~
21 **described** in 47 USC 573.

22 (l) "Person" means an individual, corporation, association,
23 partnership, governmental entity, or any other legal entity.

24 (m) "Public rights-of-way" means the area on, below, or above
25 a public roadway, highway, street, public sidewalk, alley,
26 waterway, or utility easements dedicated for compatible uses.

27 (n) "Uniform video service local franchise agreement" or
28 "franchise agreement" means the franchise agreement required under
29 this act to be the operating agreement between each franchising

1 entity and video provider in this state.

2 (o) "Video programming" means that term as defined in 47 USC
3 522(20).

4 (p) "Video service" means video programming, cable services,
5 IPTV, or OVS **provided by a video service provider** ~~provided through~~
6 facilities located at least in part in the public rights-of-way
7 without regard to delivery technology, including internet protocol
8 technology. ~~This definition~~ **Video service** does not include any
9 ~~video of the following:~~

10 (i) **Video** programming provided by a **provider of a** commercial
11 mobile service ~~provider as that term is~~ defined in 47 USC 332(d).
12 ~~or provided solely as part of, and via,~~

13 (ii) **Direct-to-home satellite services as that term is defined**
14 **in 47 USC 303(v).**

15 (iii) **Video programming accessed via** a service that enables
16 users to access content, information, ~~electronic mail, email,~~ or
17 other services offered over the ~~public internet,~~ **including**
18 **streaming content.**

19 (q) "Video service provider" or "provider" means a person
20 authorized under this act to provide video service.

21 (r) "Video service provider fee" means the amount paid by a
22 video service provider or incumbent video provider under section 6.