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MEMORANDUM

To: Senate Committee on Utilities
From: Office of Revisor of Statutes
Date: February 16, 2023
Subject: Bill Brief - Senate Bill 144

Senate Bill 144 would amend the video competition act in K.S.A. 12-2021 et seq., to exempt the following providers from the requirements of such act:

- Providers of direct-to-home satellite services that do not use the public right-of-way to provide services; and
- Providers of video programming accessed over the internet, including streaming content.

By exempting such providers from the act, such providers would not be required to obtain a state issued video service authorization certificate from the Kansas Corporation Commission in order to provide video service in the state and would not be subject to the requirements and limitations imposed on video service providers under the video competition act.

SB 144 would also amend the definition of 'video service' to specify that the definition applies to video services provided through wireline facilities *owned, controlled, constructed, or operated* by a video service provider within the public right-of-way.

Brief Summary of the Video Competition Act

The video competition act is codified in K.S.A. 12-2021 to 12-2027 and requires entities that are seeking to provide cable or video service in the state to file an application with the Kansas Corporation Commission for a state issued video service authorization. Such state issued authorization gives a video service provider the authority to provide video services in any city or county within the service area footprint set out in the application.

The video competition act imposes certain requirements and limitations for video service providers including, but not limited to, providing video service within five years to all households in the service area footprint, complying with city and county public right-of-way regulations, and alerting customers to public safety emergencies through the emergency broadcast system.

The video competition act also governs the authority that cities and counties have over video service providers. A city or county is authorized to collect a video service provider fee at an amount set by the video competition act which cannot exceed 5% of a video service provider's gross revenue. Additionally, cities and counties are authorized to impose certain customer service standards and may require a video service provider to provide no more than two public, educational and governmental access channels. Cities and counties are prohibited from requiring a separate franchise agreement to provide video service, imposing any other fees or charges, requiring specific technology or facilities, and regulating the rates charged by a video service provider.