



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4965 (as passed by the House)
Sponsor: Representative Joey Andrews
House Committee: Regulatory Reform
Senate Committee: Oversight

Date Completed: 4-23-24

CONTENT

The bill would amend the Uniform Video Services Local Franchise Act to modify the definition of "video service" to specify that the term would only include services provided by a video service provider and would not include direct-to-home satellite services or streaming content.

Specifically, "video service" means video programming, cable services, internet protocol television (IPTV), or open video system (OVS) provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. The term does not include video programming provided by a commercial mobile service provider defined in 47 USC 332(d) or provided solely as part of, and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet.

(Under 47 USC 332(d), "commercial mobile service" means any mobile service that is provided for profit and makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by Federal Communication Commission regulation.)

Under the bill, "video service" would mean video programming, cable services, IPTV, or OVS *provided by a video service provider* through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. The term would not include the following:

- Video programming provided by a commercial service provider defined in 47 USC 332(d).
- *Direct-to-home satellite services as that term is defined in 47 USC 303(v).*
- *Video programming accessed via a service that enables users to access content, information, email, or other services offered over the public internet, including steaming content.*

(Under 47 USC 303(v), "direct-to-home satellite services" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite.)

Generally, the Uniform Video Services Local Franchise Act prohibits a person from providing video services in a local governmental unit without obtaining a uniform video service franchise agreement. The Act requires a franchise agreement to include provisions requiring the video service provider to comply with the Act and pay its prescribed fees.

MCL 484.3301

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill could reduce revenue to the State and local governmental units by changing the law so streaming services would not be responsible to pay for right-of-way fees. This could have a fiscally negative impact on the State and local governmental units, though the amount of the impact is indeterminate.

Fiscal Analyst: Bobby Canell
Nathan Leaman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.