

Kansas Video Competition Act—Amendments; Senate Sub. for HB 2018

Senate Sub. for HB 2018 amends the Video Competition Act (Act) to prohibit municipalities from imposing additional requirements for the deployment of micro wireless facilities in the public right-of-way and to allow a municipality to require compliance with certain standards.

Definitions

The bill adds the following definitions to the Act:

- “Communications service” means information service or telecommunications service as defined in 47 U.S.C § 153; and
- “Micro wireless facility” means equipment at a fixed location that is:
 - Installed on cables that are owned and operated by a video service provider between utility poles, as defined in KSA 66-2019;
 - Used to provide communications services; and
 - Not larger in dimensions than 24 inches in length, 15 inches in width, and 12 inches in height, and does not have any associated exterior antenna longer than 11½ inches.

The definition of the term “video service” is amended to specify the term will not include any video programming provided by a commercial mobile service provider, as defined in 47 U.S.C § 332(d), unless such programming is determined by the Federal Communications Commission to be cable service.

Changes to Prohibited Activities Under the Act

The bill clarifies which activities a municipality, defined as a city or county under the Act, is prohibited from engaging in regarding the holder of a state-issued video service authorization, and also prohibits a municipality from:

- Imposing any fee, tax, or charge other than any applicable federal and state taxes or the Video Service Provider Fee found in KSA 2019 Supp. 12-2024 [*Note:* The bill removes similar language in law that addresses gross tax receipts and fees associated with the Act.];
- Requiring the holder of a state-issued video service authorization to obtain any additional authorization or license for the provision of communications service over a holder’s network; and

- Requiring a video service provider to make an application or pay any fee, license, tax, or rent for the installation, placement, maintenance, operation, or replacement of a micro wireless facility.

Compliance with Certain Standards for Deployment

The bill authorizes a municipality to require the holder of a state-issued video service authorization to comply with the National Electrical Safety Code and all industry-recognized engineering safety standards.

Clarifications

The bill clarifies that nothing in the Act prohibits a municipality from assessing the Video Service Provider Fee or rates or enforcing any regulations pursuant to law relating to wireless infrastructure siting found in KSA 66-2019.

The bill also clarifies nothing in the bill should be construed to prohibit a cooperative or the owner of a utility pole from setting rates, fees, terms, and conditions of any pole attachment agreement with an authorized video service provider.

The bill amends a provision in the Act governing the requirements of an application for a state-issued video service authorization to add taxes to the list of items with which an applicant must comply.