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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

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**MEMORANDUM**

To: House Committee on Energy, Utilities and Telecommunications  
From: Nick Myers, Office of Revisor of Statutes  
Date: February 7, 2018  
Subject: House Bill 2449

House Bill 2449 would make amendments to two definitions in the video competition act.

***Brief Overview 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 (KCC) for a state issued video service authorization certificate. Such certificate gives a cable or video service provider authority to provide video services in any city or county within the service area footprint set out in the application.

Definitions for the act are found in K.S.A. 12-2022. Some key definitions in the act include:

- "Competitive video service provider" means an entity providing video service that is not franchised as a cable operator in the state of Kansas as of the effective date of this act and is not an affiliate, successor or assign of such cable operator.
- "Video service" means video programming services provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d).

The video competition act imposes certain requirements 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 governs the powers that cities and counties have over video service providers. Cities and counties are authorized to impose certain customer service standards and to collect a video service provider fee at an amount set by the video competition act. Additionally, cities and counties can require a video service provider to provide no more than two public, educational and governmental access channels. On the other hand, cities and counties are prohibited from requiring a separate municipal franchise to provide video service within the municipality and from imposing certain fees or regulating the rates of a video service providers.

***House Bill 2449***

HB 2449 would amend two definitions in the video competition act. The first amendment would add to the definition of a “competitive video service provider” any entity that provides “the packet delivery system for video service.” This change would make entities that provide the packet delivery system for video services subject to the video competition act. As such, these entities could seek a video service authorization from the KCC.

The second amendment would remove the word “wireline” from the definition of video service. This would remove the requirement that, to be considered a video service, services must be provided through wireline facilities located in the public right of way. With this change, video programming services provided through any type of facilities located in the public right-of-way could be considered a video service.