

SENATE BILL No. 1343

August 4, 2004, Introduced by Senators SCHAUER and EMERSON and referred to the Committee on Technology and Energy.

A bill to amend 2002 PA 48, entitled
"Metropolitan extension telecommunications rights-of-way oversight act,"
by amending section 2 (MCL 484.3102).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Authority" means the metropolitan extension
3 telecommunications rights-of-way oversight authority created in
4 section 3.

5 (b) "Broadband internet access transport services" means the
6 broadband transmission of data between an end-user and the
7 end-user's internet service provider's point of interconnection
8 at a speed of 200 or more kilobits per second to the end-user's
9 premises.

10 (c) "Commission" means the Michigan public service commission
11 in the department of ~~consumer and industry services~~ **labor and**

1 **economic growth.**

2 (d) "Exchange" means that term as defined under section 102
3 of the Michigan telecommunications act, 1991 PA 179,
4 MCL 484.2102.

5 (e) "Incumbent local exchange carrier" means that term as
6 defined under section 251(h) of title II of the communications
7 act of 1934, ~~chapter 652, 110 Stat. 61,~~ 47 ~~U.S.C.~~ **USC** 251.

8 (f) "Metropolitan area" means 1 or more municipalities
9 located, in whole or in part, within a county having a population
10 of 10,000 or more or a municipality that enacts an ordinance or
11 resolution electing to be classified as part of a metropolitan
12 area under this act.

13 (g) "Municipality" means a township, city, or village.

14 (h) "Person" means an individual, corporation, partnership,
15 association, governmental entity, or any other legal entity.

16 (i) "Public right-of-way" means the area on, below, or above
17 a public roadway, highway, street, alley, easement, or waterway.
18 Public right-of-way does not include a federal, state, or private
19 right-of-way.

20 (j) "Telecommunication facilities" or "facilities" means the
21 equipment or personal property, such as copper and fiber cables,
22 lines, wires, switches, conduits, pipes, and sheaths, which are
23 used to or can generate, receive, transmit, carry, amplify, or
24 provide telecommunication services or signals. Telecommunication
25 facilities or facilities do not include antennas, supporting
26 structures for antennas, equipment shelters or houses, and any
27 ancillary equipment and miscellaneous hardware used to provide

1 federally licensed commercial mobile service as defined in
2 section 332(d) of part I of title III of the communications act
3 of 1934, ~~chapter 652, 48 Stat. 1064, 47 U.S.C. USC~~ 332, and
4 further defined as commercial mobile radio service in 47 ~~C.F.R.~~
5 **CFR** 20.3, and service provided by any wireless, 2-way
6 communications device.

7 (k) "Telecommunication provider", "provider", and
8 "telecommunication services" mean those terms as defined in
9 section 102 of the Michigan telecommunications act, 1991 PA 179,
10 MCL 484.2102. Telecommunication provider does not include a
11 person or an affiliate of that person when providing a federally
12 licensed commercial mobile radio service as defined in
13 section 332(d) of part I of the communications act of 1934,
14 ~~chapter 652, 48 Stat. 1064, 47 U.S.C. USC~~ 332, and further
15 defined as commercial mobile radio service in 47 ~~C.F.R.~~ **CFR**
16 20.3, or service provided by any wireless, 2-way communication
17 device. For the purposes of this act only, a provider also
18 includes all of the following:

19 (i) A cable television operator that provides a
20 telecommunication service.

21 (ii) Except as otherwise provided by this act, a person who
22 owns telecommunication facilities located within a public
23 right-of-way.

24 (iii) A person providing broadband internet transport access
25 service.