

SENATE BILL NO. 1256

December 10, 2020, Introduced by Senator LAUWERS and referred to the Committee on Energy and Technology.

A bill to amend 2018 PA 365, entitled
"Small wireless communications facilities deployment act,"
by amending sections 3 and 5 (MCL 460.1303 and 460.1305).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Affiliated transmission company" means that term as
3 defined in section 2 of the electric transmission line
4 certification act, 1995 PA 30, MCL 460.562.

5 (b) "Antenna" means communications equipment that transmits or

1 receives electromagnetic radio frequency signals used in the
2 provision of wireless services.

3 (c) "Applicable codes" means uniform building, fire,
4 electrical, plumbing, or mechanical codes adopted under the Stille-
5 DeRossett-Hale single state construction code act, 1972 PA 230, MCL
6 125.1501 to 125.1531, or adopted by the United States Occupational
7 Safety and Health Administration or by a state or national code
8 organization, including, but not limited to, the "National
9 Electrical Safety Code" published by the Institute of Electrical
10 and Electronics Engineers.

11 (d) "Applicant" means a wireless provider that submits an
12 application described in this act.

13 (e) "Attaching entity" means a public or private party or
14 entity, other than the municipally owned electric utility, that,
15 pursuant to an agreement with the municipally owned electric
16 utility, places a wire or cable attachment on a nonauthority pole
17 or related infrastructure within the communication space. Attaching
18 entity includes, but is not limited to, both of the following:

19 (i) A telecommunication provider as that term is defined in
20 section ~~102-2~~ of the metropolitan extension telecommunications
21 rights-of-way oversight act, 2002 PA 48, MCL 484.3102.

22 (ii) A video service provider as that term is defined in
23 **section 1 of** the uniform video services local franchise act, 2006
24 PA 480, MCL 484.3301.

25 (f) "Authority", unless the context implies otherwise, means
26 this state, **a county road commission**, or a county, township, city,
27 village, district, or subdivision thereof if authorized by law to
28 make legislative, quasi-judicial, or administrative decisions
29 concerning an application described in this act. Authority does not

1 include any of the following:

2 (i) A municipally owned electric utility.

3 (ii) An investor-owned utility whose rates are regulated by the
4 MPSC.

5 (iii) A state court having jurisdiction over an authority.

6 (g) "Authority pole" means a utility pole owned or operated by
7 an authority and located in the ROW.

8 Sec. 5. As used in this act:

9 (a) "Colocate" means to install, mount, maintain, modify,
10 operate, or replace wireless facilities on or adjacent to a
11 wireless support structure or utility pole. "Collocation" has a
12 corresponding meaning. Colocate does not include make-ready work or
13 the installation of a new utility pole or new wireless support
14 structure.

15 (b) "Communications facility" means the set of equipment and
16 network components, including wires, cables, antennas, and
17 associated facilities, used by a communications service provider to
18 provide communications service.

19 (c) "Communication space" means that term as defined in the
20 "National Electric Safety Code" published by the Institute of
21 Electrical and Electronics Engineers.

22 (d) "Communications service" means service provided over a
23 communications facility, including cable service as defined in 47
24 USC 522, information service as defined in 47 USC 153,
25 telecommunications service as defined in 47 USC 153, or wireless
26 service.

27 (e) "Communications service provider" means any entity that
28 provides communications services.

29 (f) **"County road commission" means that term as defined in**

1 **section 19b of 1909 PA 283, MCL 224.19b.**

2 (g) ~~(f)~~ "FCC" means the Federal Communications Commission.

3 (h) ~~(g)~~ "Fee" means a nonrecurring charge for services.

4 (i) ~~(h)~~ "Historic district" means a historic district
5 established under section 3 of the local historic districts act,
6 1970 PA 169, MCL 399.203, or a group of buildings, properties, or
7 sites that are either listed in the National Register of Historic
8 Places or formally determined eligible for listing by the Keeper of
9 the National Register, the individual who has been delegated the
10 authority by the federal agency to list properties and determine
11 their eligibility for the National Register, in accordance with
12 Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement
13 codified at 47 CFR ~~Part~~**part** 1, appendix C.

14 (j) ~~(i)~~ "Independent transmission company" means that term as
15 defined in section 2 of the electric transmission line
16 certification act, 1995 PA 30, MCL 460.562.