

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H4/10/01 S4/11/01

A Bill

Act 1824 of 2001
HOUSE BILL 2425

5 By: Representative Milligan
6
7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE DEVELOPMENT OF SPECIAL
10 TERMINATING ACCESS AGREEMENTS TO ENCOURAGE
11 CALLING PLANS; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO AUTHORIZE THE DEVELOPMENT OF
15 SPECIAL TERMINATING ACCESS AGREEMENTS TO
16 ENCOURAGE CALLING PLANS.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. (a) Two (2) or more eligible telecommunication carriers
22 may enter into an agreement under this section for special terminating access
23 rates or plans between exchanges of the parties to the agreement. The
24 agreement is conditioned upon the approval of the Arkansas Public Service
25 Commission.

26 (b) The commission may approve the plan only if the commission
27 determines that:

28 (1) The agreement is needed to enhance or improve calling
29 between communities of interest or to assist citizens to call their county
30 seat;

31 (2) The agreement is in the best interest of the customers of
32 the eligible telecommunications carriers;

33 (3) The special terminating access rate or plan recovers the
34 cost of providing the service; and

35 (4) The agreement does not detrimentally impact the customers of
36 other telecommunication carriers in Arkansas.

1 (c)(1) The approval may provide for special terminating access rates
2 that shall only be available to the companies entering into the agreement.

3 (2) No other company may take advantage of the special access
4 rates. In all other instances, the filed rate doctrine shall continue to
5 apply.

6 (d) Any reduced revenue or additional costs caused by the agreement
7 shall not be recovered from the Arkansas Universal Service Fund.

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9 SECTION 2. If the test year for Arkansas Universal Service Fund is
10 adjusted pursuant to a court order, then a rural incumbent local exchange
11 carrier may use audited general ledger records on its test year submission
12 for Arkansas IntraLATA Toll Pool revenues. Further, a rural incumbent local
13 exchange carrier, not drawing Arkansas Universal Service Fund payments at the
14 time of the effective date of this act, may make a one-time adjustment in its
15 Arkansas Universal Service Fund request if the test year changes. The
16 adjustment may only be made to its Arkansas Universal Service Fund
17 calculation of terminating access revenue from another incumbent local
18 exchange carrier. The data may only be substituted if the non-drawing
19 incumbent local exchange carrier had less than four (4) months of data from
20 another incumbent local exchange carrier to calculate its terminating access
21 revenue from the other incumbent local exchange carrier. The incumbent local
22 exchange carrier may use May 2000 through April 2001 data to determine its
23 terminating access receipts from the other incumbent local exchange carrier
24 on its Arkansas Universal Service Fund request to allow more accurate data.
25 Such a substitution shall not affect the Arkansas Universal Service Fund
26 payment of any other incumbent local exchange carrier.

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28 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly that calling plans are needed in order to enhance or improve
30 calling between communities of interest and to assist citizens to call their
31 county seats; that this act authorizes the development of special terminating
32 access agreements to encourage calling plans; that clarification of Arkansas
33 Universal Service Fund matters in timely fashion will enhance the likelihood
34 of the development of special terminating access agreements; and that in
35 order to assist customers of the eligible telecommunications carriers, this
36 act should become effective immediately. Therefore, an emergency is declared

1 to exist and this act being immediately necessary for the preservation of the
2 public peace, health and safety shall become effective on the date of its
3 approval by the Governor. If the bill is neither approved nor vetoed by the
4 Governor, it shall become effective on the expiration of the period of time
5 during which the Governor may veto the bill. If the bill is vetoed by the
6 Governor and the veto is overridden, it shall become effective on the date
7 the last house overrides the veto.

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9 /s/ Milligan

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12 APPROVED: 4/18/2001
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