

As Engrossed: 3/22/93 3/30/93 4/5/93

1 **State of Arkansas**
2 **79th General Assembly**

A Bill

3 **Regular Session, 1993**

HOUSE BILL 1967

4 **By: Representative Beatty**

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For An Act To Be Entitled

7 *"AN ACT TO CREATE THE ARKANSAS TELECOMMUNICATIONS*
8 *INFRASTRUCTURE DEVELOPMENT FUND AND TO PRESCRIBE THE*
9 *AUTHORITY OF THE PUBLIC SERVICE COMMISSION TO EXPEND*
10 *MONIES DEPOSITED INTO THE FUND; AND FOR OTHER PURPOSES."*

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Subtitle

13 *"TO CREATE THE ARKANSAS TELECOMMUNICATIONS INFRASTRUCTURE*
14 *DEVELOPMENT FUND AND TO PRESCRIBE AUTHORITY OF PSC TO*
15 *EXPEND MONIES DEPOSITED INTO THE FUND."*

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code 23-2-304(b), as amended by Act 238 of 1993, is
20 amended to read as follows:

21 *"(b) In order to enhance the development of telecommunications*
22 *infrastructure in the state, to provide enhanced educational opportunities*
23 *through the development of a distance learning network, to enhance medical*
24 *care through the development of a hospital and health care telecommunications*
25 *network, and to encourage economic development through the establishment of*
26 *fiber parks, a fund, to be known as the Arkansas Telecommunications*
27 *Infrastructure Development Fund is hereby established. The Arkansas Public*
28 *Service Commission is hereby vested with the authority to direct the funding*
29 *of, and administer, the Arkansas Telecommunications Infrastructure Development*
30 *Fund.*

31 1. Upon a finding by the Public Service Commission that any
32 local exchange telecommunications utility providing service in the state of
33 Arkansas is receiving revenues in excess of those which the Commission deems
34 to be just and reasonable, the Commission may direct that all or any portion
35 of those excess revenues in excess of five million dollars (\$5,000,000) during

1 any year be placed in the fund. Based upon a finding that it is in the public
2 interest to do so, the Commission may direct the Arkansas IntraLATA Toll Pool
3 to place a cap on the amount of revenues which a local exchange company,
4 receiving excess revenues, may receive from the Arkansas IntraLATA Toll Pool.
5 The balance of the revenues which such local exchange company would receive
6 from the Arkansas IntraLATA Toll Pool may, by commission order, be placed in
7 the fund.

8 2. Any telecommunications utility providing basic service
9 within the state of Arkansas may petition the Commission by its local exchange
10 company to fund distance learning, hospital interconnect with public health
11 clinics, or fiber park facilities from the fund. Upon such petition, the
12 Commission, after notice and a hearing, may authorize the petitioning local
13 exchange company or companies to build a telecommunications infrastructure and
14 purchase such equipment consistent with the Commission's order and the
15 purposes of this section. When the telecommunications infrastructure is
16 complete and the petitioning local exchange company or companies have
17 certified to the satisfaction of the Commission that the expenditures directed
18 by the Commission have been made and the telecommunications infrastructure
19 approved by the Commission has been built, the petitioning local exchange
20 company or companies may then request that the Commission distribute funds
21 from the Arkansas Telecommunications Infrastructure Development Fund to
22 reimburse the petitioning company for the project. Reimbursement from the
23 Commission for the development of telecommunications infrastructure may be
24 made upon completion of an entire project or upon completion of phases of a
25 project, as the Commission deems appropriate. Basic service means one party
26 service and touch tone dialing. Provided however, any telecommunications
27 utility which is under construction to or which has filed a plan for providing
28 basic service shall be entitled to petition the Commission to participate in
29 the fund.

30 3. Any contributions of excess earnings directed by the
31 Commission to be paid to the Arkansas Telecommunications Infrastructure
32 Development Fund may be amended from time to time, as the Commission deems
33 appropriate, taking into consideration circumstances such as whether the local
34 exchange company whose excess revenues are being diverted can show a need for
35 additional revenues, whether the Arkansas Telecommunications Infrastructure

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