

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 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2408

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5 By: Representative Stovall
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For An Act To Be Entitled

9 AN ACT AMENDING THE ARKANSAS TELECOMMUNICATIONS
10 REGULATORY REFORM ACT TO REQUIRE
11 TELECOMMUNICATIONS CARRIERS TO PROVIDE ANNUAL
12 VERIFICATION OF ELIGIBILITY TO RECOVER REVENUE
13 REDUCTIONS FROM THE ARKANSAS UNIVERSAL SERVICES
14 FUND (AUSF); TO REPEAL THE CURRENT FORMULA FOR
15 DETERMINING ELIGIBILITY FOR RECOVERY FROM THE
16 AUSF; AND FOR OTHER PURPOSES.

Subtitle

17
18 AN ACT TO REQUIRE TELECOMMUNICATIONS
19 CARRIERS TO PROVIDE ANNUAL VERIFICATION
20 OF ELIGIBILITY TO RECOVER REVENUE
21 REDUCTIONS FROM THE ARKANSAS UNIVERSAL
22 SERVICES FUND (AUSF).
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 23-17-404(c), concerning the administration
29 of the Arkansas Universal Services Fund, is amended to read as follows:

30 (c)(1) The Arkansas Public Service Commission shall delegate to a
31 trustee, the "administrator", the administration, collection, and
32 distribution of the AUSF in accordance with the rules and procedures
33 established by the commission and consistent with this subchapter.

34 (2)(A) The administrator shall enforce and implement all rules
35 and directives governing the funding, collection, and eligibility for the
36 AUSF.



1 (B) Within sixty (60) days after receipt of a request for
 2 AUSF funds, the administrator shall review and determine the accuracy and
 3 appropriateness of the request and advise the entity requesting the funds of
 4 his or her determination.

5 (C) The affected parties shall have thirty (30) days to
 6 request reconsideration by the commission of the administrator's
 7 determination, and the commission after notice and hearing, if requested,
 8 shall issue its opinion on the reconsideration within thirty (30) days after
 9 the request of reconsideration.

10 (D) Persons aggrieved by the commission's opinion shall
 11 have the right to appeal the opinion in accordance with law.

12 (3) No eligible telecommunications carrier shall recover any net
 13 reduction in revenue under this section unless it submits to the
 14 administrator annual verification of the carrier's net reduction in revenue
 15 for each local exchange service area for which it requests recovery.

16 (4) The AUSF administrator shall verify the calculations and
 17 accuracy of the net reduction in revenue based upon a comparison between:

18 (A) The carrier's total intrastate revenue per access line
 19 from all sources for the twelve-month period ending December 31, 1996; and

20 (B) The carrier's total intrastate revenue per access line
 21 from all sources, excluding any funds received from the AUSF, for the twelve-
 22 month period preceding the date of the annual verification.

23 (5) No telecommunications carrier shall recover any net
 24 reduction in revenue under this section if its total intrastate revenue per
 25 access line in subdivision (c)(4)(B) exceeds its total intrastate revenue per
 26 access line in subdivision (c)(4)(A).

27 (6) If an eligible telecommunications carrier's AUSF support per
 28 access line exceeds the difference between the carrier's total intrastate
 29 revenue per access line in subdivision (c)(4)(B) and the carrier's total
 30 intrastate revenue per access line in subdivision (c)(4)(A), the carrier's
 31 recovery from the AUSF shall be equal to that difference.

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 33 SECTION 2. Arkansas Code § 23-17-404(e)(4)(C), concerning the formula
 34 for determining a telecommunications carrier's eligibility to recover net
 35 reductions in revenue from the Arkansas Universal Services Fund, is repealed.

36 ~~(C) In connection with the receipt of AUSF funds for these~~

1 ~~changes referred to in subdivisions (c)(4)(A) or (B) of this section, such~~
2 ~~shall not be conditioned upon any rate case or earnings investigation by the~~
3 ~~commission. The AUSF administrator shall verify the calculations and~~
4 ~~accuracy of the net revenue reductions, based on a comparison between:~~

5 ~~(i) The total annual revenues received from these~~
6 ~~sources by the eligible telecommunications carrier during the most recent~~
7 ~~twelve (12) months preceding the required regulatory or statutory changes;~~
8 ~~and~~

9 ~~(ii) The reasonable projection of total test-year~~
10 ~~annual revenue after the changes are implemented.~~

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