

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  
4

# A Bill

HOUSE BILL 2411

5 By: Representative Stovall  
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7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS TELECOMMUNICATIONS  
10 REGULATORY REFORM ACT TO CHANGE THE ARKANSAS  
11 INTRASTATE CARRIER COMMON LINE POOL CHARGE; AND  
12 FOR OTHER PURPOSES.  
13

## Subtitle

14 AN ACT TO AMEND THE ARKANSAS  
15 TELECOMMUNICATIONS REGULATORY REFORM ACT  
16 TO CHANGE THE ARKANSAS INTRASTATE  
17 CARRIER COMMON LINE POOL CHARGE.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 23-17-404(e)(4)(D)(i) through (iv),  
24 concerning the intrastate Common Carrier Line Pool charges, is amended to  
25 read as follows:

26 (D)(i)(a) Except as provided in this subdivision  
27 (e)(4)(D), the intrastate Carrier Common Line Pool charges billed to carriers  
28 by the Arkansas Intrastate Carrier Common Line Pool (AICCLP) shall be at the  
29 rate of \$0.033 per retail billed minute of use inclusive of the amounts  
30 specified in (e)(4)(D) (ii), (iii), and (iv) of this section. Each carrier's  
31 AICCLP revenue requirement and the AICCLP procedures shall be determined as  
32 provided in the AICCLP tariff effective on December 31, ~~2000~~2002. Following  
33 April 20, 2001, carriers must continue to report RBMOUs associated with the  
34 traffic that they reported as of December 2000, except that the incumbent  
35 local exchange carriers may discontinue reporting RBMOUs associated with  
36 their intracompany flat-rated optional calling plans that exist as of June 1,



2001. The AICCLP charges shall be adjusted to eliminate any credits to the AICCLP or to interexchange carriers that have been previously required.

(b)(1) Any eligible telecommunication carrier that experiences a reduction in revenue from AICCLP charges as a result of the modifications to the AICCLP charges set forth in subdivision (e)(4)(D)(i)(a) of this section may only recover the revenue reduction by modifying its basic local exchange service rates.

(2) A modification of basic local exchange service rates pursuant to this section shall not be considered in determining the authorized increase in those rates pursuant to § 23-17-407(b) or § 23-17-412(i)(1)(A).

(3) A rate increase under subdivision (e)(4)(D)(i)(b) shall apply only in the local exchange area in which the eligible telecommunications carrier experienced the revenue reduction.

(ii)(a) There is hereby created an allocation of AICCLP funds to be known as the "Extension of Telecommunications Facilities Fund".

(b) A maximum of five hundred thousand dollars (\$500,000) per year of AICCLP funds shall be allocated to fund the Extension of Telecommunications Facilities Fund to assist in the extension of telecommunications facilities to citizens not served by the wireline facilities of an eligible telecommunications carrier.

(iii)(a) There is also created an AICCLP allocation to be known as the "Arkansas Calling Plan Fund".

(b) The Arkansas Calling Plan Fund shall receive a maximum of four million five hundred thousand dollars (\$4,500,000) per year to assist in funding the provision of calling plans in telephone exchanges in the state.

(iv)(a) The Extension of Telecommunications Facilities Fund and the Arkansas Calling Plan Fund will be funded by the AICCLP assessing one-half (1/2) of the fund to be paid by incumbent local exchange carriers (ILECs) and one-half (1/2) of the fund to be paid by all other telecommunications providers reporting intrastate retail billed minutes of use to the AICCLP.

(b) ILECs shall be individually assessed in accordance with the proportion that the ILEC funds the AICCLP credits that

1 are being eliminated by this section, and each other telecommunications  
 2 provider shall be assessed based on its portion of the total non-ILEC  
 3 intrastate retail billed minutes of use.

4 (c) Amounts paid by ILECs to fund either the  
 5 Extension of Telecommunications Facilities Fund or the Arkansas Calling Plan  
 6 Fund created by this section shall not be recoverable from the Arkansas  
 7 Universal Service Fund (AUSF).

8 (d)(1) The assessments shall commence upon the  
 9 first day of the month following April 20, 2001.

10 (2) The first four million dollars (\$4,000,000) shall be  
 11 allocated monthly as collected to assure that the AUSF has adequate funds to  
 12 compensate any retroactive claims that may be made against the AUSF due to  
 13 the change in the test period resulting from the decision in AT&T  
 14 Communications of the S.W., Inc. v. Arkansas Pub. Serv. Comm'n, 344 Ark.  
 15 188, 40 S.W.3d 273 (2001).

16 (3) Following the allocation to the AUSF, assessments shall be  
 17 made with respect to the Extension of Telecommunications Facilities Fund and  
 18 the Arkansas Calling Plan Fund only to the extent necessary, but not more  
 19 than the maximum specified in this section, to fund any extensions of  
 20 facilities or calling plans approved by the Arkansas Public Service  
 21 Commission in accordance with applicable law and this section.

22  
 23 SECTION 2. Arkansas Code § 23-17-404(e)(4)(D)(vi) is repealed.

24 ~~(vi)(a) The commission is authorized to implement,~~  
 25 ~~following July 1, 2003, a phase in reduction of intrastate common carrier~~  
 26 ~~line pool charges until each carrier's charges are equivalent to the~~  
 27 ~~carrier's interstate common carrier line charges, including all other federal~~  
 28 ~~common line recovery mechanisms such as subscriber line charges,~~  
 29 ~~presubscribed interexchange carrier charges, and long term support.~~

30 ~~(b) Any reduction of intrastate common carrier~~  
 31 ~~line pool charges of incumbent local exchange carriers ordered by the~~  
 32 ~~commission shall provide for concurrent recovery of the revenue loss from the~~  
 33 ~~AUSF, basic local exchange rates, or a combination thereof;~~