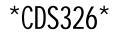
Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1	State of Arkansas	As Engrossed: H4/10/01 S4/11/01	
2	83rd General Assembly	A Bill	Act 1824 of 2001
3	Regular Session, 2001		HOUSE BILL 2425
4			
5	By: Representative Milligar	1	
6			
7			
8		For An Act To Be Entitled	
9	AN ACT	TO AUTHORIZE THE DEVELOPMENT OF SPE	ECTAL
10	TERMI N	ATING ACCESS AGREEMENTS TO ENCOURAGE	-
11	CALLIN	G PLANS; AND FOR OTHER PURPOSES.	
12			
13		Subtitle	
14	AN A	ACT TO AUTHORIZE THE DEVELOPMENT OF	
15	SPE	CIAL TERMINATING ACCESS AGREEMENTS	το
16	ENC	OURAGE CALLING PLANS.	
17			
18			
19	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF AR	KANSAS:
20			
21	SECTION 1. <u>(a)</u>	Two (2) or more eligible telecomm	unication carriers
22	<u>may enter into an agr</u>	reement under this section for speci	<u>al terminating access</u>
23	<u>rates or plans betwee</u>	en exchanges of the parties to the a	greement. The
24	<u>agreement is conditio</u>	oned upon the approval of the Arkans	as Public Service
25	<u>Commission.</u>		
26	<u>(b) The commis</u>	ssion may approve the plan only if t	<u>he commission</u>
27	<u>determines that:</u>		
28	<u>(1)</u> The	agreement is needed to enhance or i	mprove calling
29	<u>between communities c</u>	of interest or to assist citizens to	call their county
30	<u>seat;</u>		
31	<u>(2)</u> The	agreement is in the best interest o	f the customers of
32	<u>the eligible telecomm</u>	nunications carriers;	
33	<u>(3)</u> The	special terminating access rate or	plan recovers the
34	<u>cost of providing the</u>	e service; and	
35	<u>(4) The</u>	agreement does not detrimentally im	pact the customers of
36	<u>other telecommunicati</u>	ons 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.
8	
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.
27	
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

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

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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