

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

As Engrossed: S3/20/01 H4/5/01

A Bill

SENATE BILL 935

4
5 By: Senator B. Johnson
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 23-17-404 TO REVISE
10 THE ARKANSAS INTRASTATE CARRIER COMMON LINE POOL
11 IN ORDER TO ASSURE THE AVAILABILITY OF REASONABLE
12 AND AFFORDABLE TELEPHONE SERVICE; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 TO REVISE THE CARRIER COMMON LINE POOL
16 TO ASSURE REASONABLE AND AFFORDABLE
17 TELEPHONE SERVICE.
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) is amended to read as
24 follows:

25 (D) Except as provided in this subdivision (e)(4)(D), the
26 intrastate Carrier Common Line (CCL) Pool charges billed to carriers by the
27 Arkansas Intrastate Carrier Common Line Pool (AICCLP) shall continue as
28 effective on December 31, 1996 be determined as provided in the AICCLP tariff
29 effective on December 31, 2000. Following the effective date of this act
30 carriers must continue to report RBMOUs associated with the traffic that they
31 reported as of December 2000, except that Incumbent Local Exchange Carriers
32 may discontinue reporting RBMOUs associated with their intracompany flat
33 rated optional plans that exist as of June 1, 2001. The AICCLP charges shall
34 be adjusted to eliminate any credits to the AICCLP or to interexchange
35 carriers that have been previously required. There is hereby created an
36 allocation of AICCLP funds to be known as the "Extension of

1 Telecommunications Facilities Fund". A maximum of five hundred thousand
2 dollars (\$500,000) per year of AICCLP funds shall be allocated to fund the
3 "Extension of Telecommunications Facilities Fund" to assist in the extension
4 of telecommunications facilities to citizens not served by the wireline
5 facilities of an eligible telecommunications carrier. There is also created
6 an AICCLP allocation to be known as the "Arkansas Calling Plan Fund." The
7 Arkansas Calling Plan Fund shall receive a maximum of four million, five
8 hundred thousand dollars (\$4,500,000) per year to assist in funding the
9 provision of calling plans in telephone exchanges in the state. The
10 Extension of Telecommunications Facilities Fund and the Arkansas Calling Plan
11 Fund will be funded by the AICCLP assessing one half of the fund to be paid
12 by incumbent local exchange carriers (ILECs) and one half of the fund to be
13 paid by all other telecommunications providers reporting intrastate retail
14 billed minutes of use to the AICCLP. ILECs shall be individually assessed in
15 accordance with the proportion that the ILEC funds the AICCLP credits that
16 are being eliminated by this section, and each other telecommunications
17 provider shall be assessed based on its portion of the total non-ILEC
18 intrastate retail billed minutes of use. Amounts paid by ILECs to fund
19 either the Extension of Telecommunications Facilities Fund or the Arkansas
20 Calling Plan Fund created by this section shall not be recoverable from the
21 Arkansas Universal Service Fund (AUSF). The assessments shall commence upon
22 the first day of the month following the effective date of this act. The
23 first four million dollars (\$4,000,000) shall be allocated monthly as
24 collected to assure that the AUSF has adequate funds to compensate any
25 retroactive claims that may be made against the AUSF due to the change in
26 test period resulting from the Arkansas Supreme Court decision in case number
27 99-860 decided March 22, 2001. Following the allocation to the AUSF,
28 assessments shall be made with respect to the Extension of Telecommunications
29 Facilities Fund and the Arkansas Calling Plan Fund only to the extent
30 necessary, but not more than the maximum specified in this section, to fund
31 any extensions of facilities or calling plans approved by the Commission in
32 accordance with applicable law and this section. AICCLP charges determined
33 and billed through December, 2000, shall be considered final and not subject
34 to further true up or adjustment. In addition, if an eligible
35 telecommunications carrier was financially harmed by a court ordered change
36 in the test period applicable for the AUSF funding and an alternate test

1 period was used by the eligible telecommunications carrier for more than one
 2 (1) year, then the test period for the harmed eligible telecommunications
 3 carrier shall remain the test period originally set by the Arkansas Public
 4 Service Commission. The commission is authorized to ~~develop and~~ implement,
 5 commencing three (3) years after February 4, 1997 following July 1, 2003, a
 6 phase-in reduction of intrastate CCL pool charges until ~~the~~ each carrier's
 7 charges are equivalent to the carrier's interstate CCL charges, including all
 8 other federal common line recovery mechanisms such as subscriber line charges
 9 (SLCs), presubscribed interexchange carrier charges (PICCs), and long-term
 10 support (LTS). Any reduction of intrastate CCL pool charges of incumbent
 11 local exchange carriers ordered by the commission shall provide for
 12 concurrent recovery of the revenue loss from the AUSF, basic local exchange
 13 rates, or a combination thereof;

14
 15 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 16 General Assembly that there is an immediate need for the amendment of the
 17 Arkansas Intrastate Carrier Common Line Pool to assure the *preservation and*
 18 *advancement of universal availability of* telephone service at rates that are
 19 reasonable and affordable. Such action is in the best interest of the
 20 public, in that such will assure the continued support of basic local
 21 telephone service on an equitable and nondiscriminatory basis and at rates
 22 that are reasonable and affordable. Therefore, an emergency is declared to
 23 exist and this act being immediately necessary for the preservation of the
 24 public peace, health and safety shall become effective on the date of its
 25 approval by the Governor. If the bill is neither approved nor vetoed by the
 26 Governor, it shall become effective on the expiration of the period of time
 27 during which the Governor may veto the bill. If the bill is vetoed by the
 28 Governor and the veto is overridden, it shall become effective on the date
 29 the last house overrides the veto.

30
 31 /s/ B. Johnson
 32
 33
 34
 35
 36