

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 755

5 By: Senator R. Thompson
6

For An Act To Be Entitled

8 AN ACT TO ENCOURAGE INVESTMENT IN TELECOMMUNICATIONS
9 INFRASTRUCTURE BY REDUCING REGULATORY BURDENS AND
10 CREATING REGULATORY PARITY FOR ALL TELECOMMUNICATIONS
11 PROVIDERS IN COMPETITIVE EXCHANGES OF ELECTING
12 COMPANIES; AND FOR OTHER PURPOSES.
13
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Subtitle

15 TO AMEND THE TELECOMMUNICATIONS
16 REGULATORY REFORM ACT OF 1997.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 23-17-402 is amended to read as follows:
23 23-17-402. Legislative findings.

24 It is the intent of the General Assembly in enacting this subchapter
25 to:

26 (1) Provide for a system of regulation of telecommunications
27 services, consistent with the federal act, that assists in implementing the
28 national policy of opening the telecommunications market to competition on
29 fair and equal terms, modifies outdated regulation, eliminates unnecessary
30 regulation, and preserves and advances universal service;

31 (2) Recognize that a telecommunications provider that serves
32 high-cost rural areas or exchanges faces unique circumstances that require
33 special consideration and funding to assist in preserving and promoting
34 universal service; ~~and~~

35 (3) Recognize that the:

36 (A) Widespread and timely deployment of broadband



1 infrastructure is vital to the economic, educational, health, and social
2 interests of Arkansas and its citizens; and

3 (B) Arkansas High Cost Fund has enabled eligible
4 telecommunications carriers to accelerate and promote the incremental
5 extension and expansion of broadband services and other advanced services in
6 rural or high-cost areas of the state beyond what would normally occur, and
7 broadband services are now available in dozens of new communities to
8 thousands of Arkansans who otherwise would not have access to broadband
9 services and its benefits;

10 ~~(3)(A)~~ (4)(A) Recognize differences between the small and large
11 incumbent local exchange carriers, that there are customer-owned telephone
12 cooperatives and small locally owned investor companies, and that it is
13 appropriate to provide incentives and regulatory flexibility to allow
14 incumbent local exchange carriers that serve the rural areas to provide
15 existing services and to introduce new technology and new services in a
16 prompt, efficient, and economical manner.

17 (B) The General Assembly finds that the ~~commission~~ Arkansas
18 Public Service Commission, when promulgating rules and regulations, should
19 take into consideration the differences in operating conditions in the large
20 and small incumbent local exchange carriers and the burdens placed on small
21 carriers because of regulation; and

22 (5)(A) Recognize that in areas of the state served by electing
23 companies, telecommunications connections utilizing unregulated technologies
24 such as wireless and voice over internet protocol greatly outnumber
25 traditional wireline connections that remain regulated by the commission.

26 (B) The General Assembly finds that the removal of
27 quality-of-service regulation of wireline services provided in the
28 competitive exchanges of electing companies will serve to encourage private-
29 sector investment in the telecommunications marketplace.

30
31 SECTION 2. Arkansas Code § 23-17-404(e)(1)(B), concerning the
32 preservation and promotion of universal service, is amended to read as
33 follows:

34 (e)(1)(B)(i) Except in an exchange in which the electing company is
35 authorized under § 23-17-407(d) to determine the rates for basic local
36 exchange service and switched-access services under § 23-17-408(c), For for

1 an ETC to receive funds from the AHCF, the ETC shall agree to be subject to
 2 and comply with all telecommunications provider rules adopted by the
 3 commission, unless the commission finds the technology used by the ETC to
 4 provide telecommunications service makes a rule inapplicable.

5 (ii) Except in any exchange in which the electing
 6 company is authorized under § 23-17-407(d) to determine the rates for basic
 7 local exchange service and switched-access services pursuant to § 23-17-
 8 408(c), ~~In any event,~~ each ETC shall be subject to all TPRs concerning
 9 application for service, refusing service, deposits, notices ~~prior to~~ before
 10 disconnect, late payment penalties, elderly and handicapped protection,
 11 medical need for utility services, delayed payment agreements, and extended
 12 due dates.

13
 14 SECTION 3. Arkansas Code § 23-17-411(f), concerning regulatory reform
 15 in the Telecommunications Regulatory Reform Act of 1997, is amended to read
 16 as follows:

17 (f)(1) In order to eliminate outdated, unnecessary, and burdensome
 18 laws and regulations, electing companies, incumbent local exchange carriers
 19 filing notice ~~pursuant to~~ under § 23-17-412, and competing local exchange
 20 carriers shall not be subject to the requirements of §§ 23-2-304(a)(1), (7),
 21 and (8), 23-2-306, 23-2-307, 23-3-101 – 23-3-107, 23-3-112, 23-3-114, 23-3-
 22 118, 23-3-119(a)(2), 23-3-201, 23-3-206, 23-3-301 – 23-3-316, 23-4-101 – 23-
 23 4-104, 23-4-107, 23-4-109, 23-4-110, 23-4-201(d), 23-4-401 – 23-4-405, and
 24 23-4-407 – 23-4-419, or the commission’s rules and regulations implementing
 25 the statutes.

26 (2) Notwithstanding any other provisions of law, the commission
 27 shall have no jurisdiction to impose any quality of service rules and
 28 standards or reporting, including without limitation the Commission’s
 29 telecommunications providers rules, on any telecommunications provider in any
 30 exchange in which an electing company is authorized under § 23-17-407(d) to
 31 determine the rates for basic local exchange service and switched-access
 32 services under to § 23-17-408(c).