

## HOUSE BILL No. 2019

By Committee on Utilities

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AN ACT concerning telecommunications; relating to regulation of broadband and high speed internet access service; amending K.S.A. 66-1,187 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 66-1,187 is hereby amended to read as follows: 66-1,187. As used in this act:

(a) "Broadband" means the transmission of digital signals at rates equal to or greater than 1.5 megabits per second.

(b) "CLASS services" means custom local area signaling services, which include automatic callback, automatic recall, calling number identification, selective call rejection, selective call acceptance, selective call forwarding, distinctive ringing and customer originated trace.

(c) "Commission" means the state corporation commission.

(d) "Dialing parity" means that a person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications carrier of the customer's designation from among two or more telecommunications carriers, including such local exchange carrier.

(e) "Federal act" means the federal telecommunications act of 1996, P.L. 104-104 (amending the communications act of 1934, 47 U.S.C. 151, *et seq.*)

(f) "ISDN" means integrated services digital network which is a network and associated technology that provides simultaneous voice and data communications over a single communications channel.

(g) "LATA" has the meaning ascribed to it in the federal act.

(h) "Local exchange carrier" means any telecommunications public utility or its successor providing switched telecommunications service within any local exchange service area, as approved by the commission on or before January 1, 1996. However, with respect to the Hill City exchange area, in which multiple carriers were certified by the commission prior to January 1, 1996, the commission's determination, subject to any court appeals, of which authorized carrier shall serve as the carrier

1 of last resort will determine which carrier shall be deemed the local  
2 exchange carrier for that exchange.

3 (i) "Number portability" has the meaning ascribed to it in the federal  
4 act.

5 (j) "1 intraLATA dialing parity" means the ability of a local exchange  
6 service customer to specify the telecommunications or local exchange  
7 carrier that will carry the intraLATA long distance messages when that  
8 customer dials either "1" or "0" plus a 10-digit number.

9 (k) "Operating area" means:

10 (1) In the case of a rural telephone company, operating area or service  
11 area means such company's study area or areas as approved by the federal  
12 communications commission;

13 (2) in the case of a local exchange carrier, other than a rural telephone  
14 company, operating area or service area means such carrier's local  
15 exchange service area or areas as approved by the commission.

16 (l) "Rural telephone company" has the meaning ascribed to it in the  
17 federal act, excluding any local exchange carrier which together with all  
18 of its affiliates has 20,000 or more access lines in the state.

19 (m) "Telecommunications carrier" means a corporation, company,  
20 individual, association of persons, their trustees, lessees or receivers that  
21 provides a telecommunications service, including, but not limited to, in-  
22 terexchange carriers and competitive access providers, but not including  
23 local exchange carriers certified before January 1, 1996.

24 (n) "Telecommunications public utility" means any public utility, as  
25 defined in K.S.A. 66-104, and amendments thereto, which owns, controls,  
26 operates or manages any equipment, plant or generating machinery, or  
27 any part thereof, for the transmission of telephone messages, as defined  
28 in K.S.A. 66-104, and amendments thereto, or the provision of telecom-  
29 munications services in or throughout any part of Kansas.

30 (o) "Telecommunications service" means the provision of a service  
31 for the transmission of telephone messages, or two-way video or data  
32 messages.

33 (p) "Universal service" means telecommunications services and fa-  
34 cilities which include: single party, two-way voice grade calling; stored  
35 program controlled switching with vertical service capability; E911 ca-  
36 pability; tone dialing; access to operator services; access to directory as-  
37 sistance; and equal access to long distance services.

38 (q) "Enhanced universal service" means telecommunications serv-  
39 ices, in addition to those included in universal service, which shall include:  
40 Signaling system seven capability, with CLASS service capability; basic  
41 and primary rate ISDN capability, or the technological equivalent; full-  
42 fiber interconnectivity, or the technological equivalent, between central  
43 offices; and broadband capable facilities to: All schools accredited pur-

1 suant to K.S.A. 72-1101 *et seq.*, and amendments thereto; hospitals as  
2 defined in K.S.A. 65-425, and amendments thereto; public libraries; and  
3 state and local government facilities which request broadband services.

4 (r) *“High speed internet access service” means those services and un-*  
5 *derlying facilities that provide upstream, from customer to provider, or*  
6 *downstream, from provider to customer, transmission to or from the in-*  
7 *ternet in excess of 150 kilobits per second, regardless of the technology or*  
8 *medium used, including, but not limited to, wireless, copper wire, fiber*  
9 *optic cable or coaxial cable, to provide such service.*

10 New Sec. 2. (a) Notwithstanding any ruling or order to the contrary,  
11 the state corporation commission shall not, by entering any order, adopt-  
12 ing any rule or otherwise taking any agency action, impose any regulation  
13 upon a provider of high speed internet access service or broadband serv-  
14 ice in the provider’s provision of such service, regardless of technology  
15 or medium used to provide such service.

16 (b) A local exchange carrier subject to the provisions of 47 U.S.C.,  
17 section 251(c), shall be required to provide unbundled access to network  
18 elements, including, but not limited to, loops, subloops and collocation  
19 space within the facilities of the incumbent local exchange carrier, to the  
20 extent specifically required under 47 C.F.R., section 51.319, or any suc-  
21 cessor regulations issued by the federal communications commission.

22 (c) No provisions of this act shall change the legislature’s prior find-  
23 ings in K.S.A. 66-2014, and amendments thereto, and the definitions in  
24 this act shall not be used as a basis to determine whether a taxpayer is a  
25 public utility for purposes of K.S.A. 79-5a01, and amendments thereto.

26 Sec. 3. K.S.A. 66-1,187 is hereby repealed.

27 Sec. 4. This act shall take effect and be in force from and after its  
28 publication in the statute book.

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