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§7104. Affordable telephone service (CONFLICT)

1. Low-income support. The commission shall require telephone utilities to participate in statewide outreach programs designed to increase the number of low-income telephone customers on the network through increased participation in any universal service program approved by the commission. [1997, c. 692, §1 (new).]

2. General availability. The commission shall seek to ensure that similar telecommunication services are available to consumers throughout all areas of the State at reasonably comparable rates. [1997, c. 692, §1 (new).]

3. Authority. The commission shall adopt rules to implement this section and may require providers of intrastate telecommunications services to contribute to a state universal service fund to support programs consistent with the goals of applicable provisions of this Title and the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56. Prior to requiring that providers of intrastate telecommunications services contribute to a state universal service fund, the commission shall assess the telecommunications needs of the State's consumers and establish the level of support required to meet those needs. If the commission establishes a state universal service fund pursuant to this section, the commission shall contract with an appropriate independent fiscal agent that is not a state entity to serve as administrator of the state universal service fund. Funds contributed to a state universal service fund are not state funds. Rules and any state universal service fund requirements established by the commission pursuant to this section must: [1999, c. 60, §1 (amd).]

A. Be reasonably designed to maximize federal assistance available to the State for universal service purposes;

[1997, c. 692, §1 (new).]

B. Meet the State's obligations under the federal Telecommunications Act of 1996, Public Law 104 - 104, 110 Stat. 56;

[1997, c. 692, §1 (new).]

C. Be consistent with the goals of the federal Telecommunications Act of 1996, Public Law 104 - 104, 110 Stat. 56;

[1997, c. 692, §1 (new).]

D. Ensure that any requirements regarding contributions to a state universal service fund be nondiscriminatory and competitively neutral;

[1997, c. 692, §1 (new).]

E. Require explicit identification on customer bills of contributions to any state universal service fund established pursuant to this section; and

[1997, c. 692, §1 (new).]

F. Allow consideration in appropriate rate-making proceedings of contributions to any state universal service fund established pursuant to this section.

[1997, c. 692, §1 (new).]

For purposes of this subsection, "providers of intrastate telecommunications services" includes providers of radio paging service and mobile telecommunications services. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [1999, c. 60, §1 (amd).]

4. Standards and reporting. The commission, annually, shall assess the penetration rate of basic telecommunications services. If this penetration rate ever falls more than 2% below the national average penetration rate, the commission shall commence an investigation and take steps to enhance telecommunications market penetration. The commission, annually, shall assess the success of any actions taken by the commission to achieve the purposes of this section. In the annual report submitted by the commission pursuant to section 120, the commission shall include a description of any actions taken pursuant to this section and assessments made pursuant to this subsection. [1997, c. 692, §1 (new).]

5. (CONFLICT: Text as amended by PL 2005, c. 305, §1) Funds for Communication Equipment Fund. The commission shall annually transfer \$85,000 from a state universal service fund established pursuant to this section to the Communications Equipment Fund established under Title 26, section 1419-A. [2005, c. 305, §1 (amd).]

If the Department of Labor, Bureau of Rehabilitation Services does not receive from federal or other sources funds in addition to the \$85,000 sufficient to carry out the purposes of Title 26, section 1419-A, the commission, at the request of the Department of Labor, Bureau of Rehabilitation Services, may transfer from the state universal service fund to the Communications Equipment Fund an additional \$37,500. [2005, c. 305, §1 (amd).]

A.

[2005, c. 305, §1 (rp).]

B.

[2005, c. 305, §1 (rp).]

The commission may require contributions to the state universal service fund in an amount necessary to collect amounts transferred pursuant to this subsection. [2005, c. 305, §1 (amd).]

5. (CONFLICT: Text as amended by PL 2005, c. 336, §3) Funds for Communications Equipment Fund. The commission shall annually transfer \$85,000 from a state universal service fund established pursuant to this section to the Communications Equipment Fund established under Title 26, section 1419-A. [2005, c. 336, §3 (amd).]

If the Department of Labor, Bureau of Rehabilitation Services does not receive from federal or other sources funds in addition to the \$85,000 sufficient to carry out the purposes of Title 26, section 1419-A, the commission, at the request of the Department of Labor, Bureau of Rehabilitation Services, may transfer from the state universal service fund to the Communications Equipment Fund an additional \$37,500. [2005, c. 336, §3 (amd).]

A.

[2005, c. 336, §3 (rp).]

B.

[2005, c. 336, §3 (rp).]

The commission may, upon the request of the Department of Labor, Bureau of Rehabilitation Services and after a finding that the funds are necessary and that sufficient attempts have been made by the Bureau of Rehabilitation Services to maximize federal support to support emergency alert telecommunications service, transfer up to \$60,000 in fiscal year 2005-06, up to \$90,000 in fiscal year 2006-07 and up to \$120,000 in any subsequent fiscal year from the state universal service fund established by this section to the Communications Equipment Fund established under Title 26, section 1419-A for the exclusive purpose of supporting the discount program established under Title 26, section 1419-A, subsection 6. [2005, c. 336, §3 (amd).]

The commission may require contributions to the state universal service fund in an amount necessary

to collect amounts transferred pursuant to this subsection. [2005, c. 336, §3 (amd).]

6. Public-interest pay phone support. The commission may require contributions to a state universal service fund established pursuant to this section in an amount sufficient to collect up to \$50,000 each year to fund public-interest pay phones pursuant to section 7508. The commission shall maintain an accounting of all funds contributed to the state universal service fund pursuant to this subsection and all funds expended pursuant to section 7508. Funds contributed to the state universal service fund pursuant to this subsection may be expended only for the purposes of section 7508. [2005, c. 131, §1 (new).]

7. Telecommunications relay services support. In order to ensure the affordability of telecommunications relay services throughout the State, the commission shall establish funding support for telecommunications relay services, including related outreach programs, within the state universal service fund established pursuant to subsection 3. [2005, c. 305, §2 (new).]

A. In establishing the total level of support for the state universal service fund, the commission shall include funding levels for telecommunications relay services as recommended by the Telecommunications Relay Services Advisory Council, as established in section 8704, unless the commission determines, upon its own motion or upon the request of a provider of intrastate telecommunications services, that the recommended funding levels may be unreasonable. If the commission determines that the funding levels may be unreasonable, the commission shall open a proceeding to determine a reasonable funding level for telecommunications relay services, including related outreach programs. Upon the conclusion of the proceeding, the commission shall establish funding support for telecommunications relay services, including related outreach programs, that it has found to be reasonable within the state universal service fund. The commission shall require contributions to the state universal service fund on a quarterly basis to meet the established funding support levels.

[2005, c. 305, §2 (new).]

B. In determining reasonable funding levels for telecommunications relay services, including related outreach programs, the commission may consider whether the recommended funding is for telecommunications relay services, including related outreach programs, that are:

- (1) Federally required services;
- (2) Services provided in other states with a similar deaf, hard-of-hearing and speech impaired population as this State; or
- (3) Services that are designed to maximize the effectiveness of telecommunications relay services through the application of new technologies.

[2005, c. 305, §2 (new).]

PL 1991, Ch. 654, §4 (NEW).

PL 1991, Ch. 654, §5 (AFF).

PL 1997, Ch. 692, §1 (RPR).

PL 1999, Ch. 60, §1 (AMD).

PL 2003, Ch. 553, §A4 (AMD).

PL 2005, Ch. 131, §1 (AMD).

PL 2005, Ch. 305, §1, 2 (AMD).

PL 2005, Ch. 336, §3 (AMD).