

MAINE STATE LEGISLATURE

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L.D. 828

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M A J O R I T Y
UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 618, L.D. 828, Bill, "An Act to Provide Public Access to the Information Superhighway through Enhanced Library Telecommunications"

Amend the bill by striking out the title and substituting the following:

'An Act to Provide Affordable Access to Information Services in All Communities of the State through Enhanced Library and School Telecommunications'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 35-A MRSA §7101, sub-§3, as amended by PL 1993, c. 638, §1, is repealed.

Sec. 2. 35-A MRSA §7101, sub-§4 is enacted to read:

4. Information access. The Legislature further declares and finds that computer-based information services and information networks are important economic and educational resources that should be available to all Maine citizens at affordable rates. It is the policy of the State that affordable access to those information services that require a computer and rely on the use of the telecommunications network should be made available in all communities of the State without regard to geographic location.

COMMITTEE AMENDMENT

Sec. 3. 35-A MRSA §7104-A is enacted to read:

§7104-A. Access to information services

1. Additional authority. To carry out the policy goals established by section 7101, subsections 1, 2 and 4 and to meet the requirements of sections 301 and 9103 pertaining to the establishment of just and reasonable rates, the commission may:

A. Require a telecommunications carrier offering intrastate telecommunications services to provide telecommunications services, including instruction and equipment related to such services, at reduced charges or at no charge to qualified libraries and schools for the establishment and use of a program providing access to information networks;

B. Require a telecommunications carrier offering intrastate telecommunications services to provide funds for qualified libraries and schools to obtain telecommunications services, including instruction and equipment related to such services, from other vendors if the provision of such services is found by the commission to be consistent with the policies described in this section; and

C. Establish a telecommunications access fund and require all telecommunications carriers offering telecommunications services in the State to contribute to the fund. The fund must be available, with any accumulated interest, to qualified libraries and schools to assist in paying the costs of acquiring and using advanced telecommunications technologies.

The authority granted to the commission under this subsection is in addition to any other authority granted by this Title.

2. Limitations. In carrying out the authority granted by subsection 1, the commission:

A. Shall limit the annual cost to each telecommunications carrier of all programs to not more than 1.5% of its intrastate revenues as determined by the commission;

B. Shall ensure that funds are collected from each telecommunications carrier in a competitively neutral manner;

C. Shall attribute any amount collected from a telecommunications carrier pursuant to subsection 1 as an offset to any required intrastate support mechanism developed by the commission to preserve and advance universal service; and

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D. May not exercise that authority with respect to any telecommunications carrier other than a local exchange carrier serving more than 100,000 lines, until September 30, 1997, except to the extent required by federal law.

3. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Qualified library" means a public library as defined in Title 27, section 110, subsection 10; a research center as defined in Title 27, section 110, subsection 12; a library operated by a public school as defined in Title 20-A, section 1, subsection 24 that provides free public access to all advanced telecommunications services available at that library; or a library that provides free public access to all advanced telecommunications services available at that library and whose collection serves as a statewide resource, if the commission determines, in consultation with the Maine Library Commission, that including that library as a qualified library is in the public interest.

B. "Qualified school" means a public school as defined in Title 20-A, section 1, subsection 24; a private secondary school approved under Title 20-A, section 2951; or a school that provides free public access to all advanced telecommunications services available at that school, if the commission determines, in consultation with the Department of Education, that including that school as a qualified school is in the public interest.

C. "Telecommunications carrier" and "telecommunications service" have the same meanings set forth in 47 United States Code, Section 153 (1996).

4. Review of progress; report. The commission shall report annually, beginning February 1, 1997, to the joint standing committee of the Legislature having jurisdiction over utilities matters on the following:

A. The progress made in meeting the goal of providing affordable access to advanced information services in all communities of the State without regard to geographic location, as established in section 7101, subsection 4;

B. The extent to which such affordable access to advanced information services is made available through qualified libraries and schools;

RWS

COMMITTEE AMENDMENT "A" to H.P. 618, L.D. 828

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C. The progress made in reaching benchmarks established by the commission for the purpose of measuring the successes and shortcomings of any measures required by the commission pursuant to subsection 1. The benchmarks must include the number of qualified libraries and schools benefiting from such measures, the geographic distribution of those libraries and schools and the number of hours each qualified library or school is using advanced telecommunications technologies;

D. The use of funds expended in the previous year pursuant to subsection 1, the source of those funds and the planned expenditures for the next year. The report that is due February 1, 2000 must include recommendations for the disposition of any funds remaining in a telecommunications access fund established pursuant to subsection 1 upon the repeal of that subsection;

E. Whether toll barriers and the designation of calling areas are impeding the achievement of the goal established in section 7101, subsection 4;

F. The extent to which the goal established in section 7101, subsection 4 is promoted or impeded by the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56, increased local telephone competition and cable television deregulation; and

G. Recommendations for legislation.

In preparing the report, the commission shall consult with the State Planning Office, the Public Advocate, the Department of Administrative and Financial Services, the Department of Education, the Maine Library Commission, representatives of low-income citizens, representatives of the business community and providers of telecommunications services. The commission shall provide copies of the report to the public, the Director of the State Planning Office and the Public Advocate sufficiently in advance of submittal of the final report to permit submittal of written comments on the commission's analysis and recommendations. The written comments of the Director of the State Planning Office and the Public Advocate must be included as attachments to the commission's final report.

The joint standing committee of the Legislature having jurisdiction over utilities matters may report out legislation regarding access to information services to the First Regular Session and Second Regular Session of the 118th Legislature.

1 of 8

5. Repeal. Subsections 1 and 2 are repealed on February 1, 2001.

Sec. 4. **Construction.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, the mechanisms for providing public access to information services at schools and libraries throughout the State, as approved by the Public Utilities Commission in Docket Numbers 94-123 and 94-254, are considered adopted pursuant to the policy statement found in section 2 of this Act and the authority provided by section 3 of this Act.

Sec. 5. **Retroactivity.** This Act applies retroactively to May 1, 1995.

Sec. 6. **Allocation.** The following funds are allocated from the Telecommunications Access Fund to carry out the purposes of this Act.

1996-97

PUBLIC UTILITIES COMMISSION

Telecommunications Access Fund

All Other \$4,000,000

Provides an allocation to allow the Public Utilities Commission to distribute funds to qualified libraries and schools to offset the costs of acquiring and using telecommunications services.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1996-97

APPROPRIATIONS/ALLOCATIONS

Other Funds \$4,000,000

REVENUES

Other Funds \$4,000,000

A. 013

COMMITTEE AMENDMENT "A" to H.P. 618, L.D. 828

2 Allowing the Public Utilities Commission to establish a
Telecommunications Access Fund for the purpose of assisting
4 certain schools and libraries with the costs of acquiring and
using telecommunications services could increase dedicated
6 revenues collected by the commission. Based on current levels of
intrastate revenues collected by certain telecommunications
8 carriers, the maximum annual amount that can be collected by the
commission is \$4,700,000. However, the commission anticipates
10 collecting no more than \$4,000,000 during fiscal year 1996-97.
In order to distribute these funds to qualified schools and
12 libraries, the commission will require additional Other Special
Revenue fund allocations of \$4,000,000 annually beginning in
fiscal year 1996-97.

14
16 The Public Utilities Commission will incur some minor
additional costs to administer the Telecommunications Access Fund
and to submit a report to the Legislature. These costs can be
18 absorbed within the commission's existing budgeted resources.

20 The State Planning Office, the Public Advocate, the State
Library Commission, the Department of Administrative and
22 Financial Services and the Department of Education will incur
some minor additional costs to consult with the Public Utilities
24 Commission in the preparation of a report to the Legislature.
These costs can be absorbed within the agencies' existing
26 budgeted resources.'

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30 **STATEMENT OF FACT**

32 This amendment, which is the majority report of the Joint
Standing Committee on Utilities and Energy, replaces the bill.
34 The amendment repeals an outdated provision requiring the Public
Utilities Commission to submit a report. The amendment also
36 establishes a new state policy that affordable access to those
information services that require a computer and rely on the use
38 of the telecommunications network should be made available in all
communities of the State without regard to geographic location.
The amendment gives the Public Utilities Commission the authority
40 to do the following to carry out the goals of the State's
telecommunications policy.

- 42
44 1. It may require a telecommunications carrier offering
intrastate telecommunications services to provide
46 telecommunications services, including instruction and equipment
related to such services, at reduced charges or at no charge to
48 qualified libraries and schools for the establishment and use of
a program providing access to information networks.

COMMITTEE AMENDMENT

2 2. It may require a telecommunications carrier offering
3 intrastate telecommunications services to provide funds for
4 qualified libraries and schools to obtain telecommunications
5 services, including instruction and equipment related to such
6 services, from other vendors.

8 3. It may establish a telecommunications access fund to
9 which all telecommunications carriers offering telecommunications
10 services in the State are required to contribute.

12 The amendment also imposes limitations on the authority
13 granted to the Public Utilities Commission by the Maine Revised
14 Statutes, Title 35-A, section 7104-A, subsection 1. The Public
15 Utilities Commission shall limit the annual cost to each
16 telecommunications carrier of all programs to not more than 1.5%
17 of its intrastate revenues; the Public Utilities Commission shall
18 ensure that funds are collected in a competitively neutral
19 manner; the Public Utilities Commission shall attribute any
20 amount collected from a telecommunications carrier as an offset
21 to any required intrastate support mechanism to preserve and
22 advance universal service; and the Public Utilities Commission
23 may not exercise its authority with respect to any
24 telecommunications carrier other than a local exchange carrier
25 serving more than 100,000 lines until September 30, 1997, except
26 to the extent required by federal law.

28 The amendment defines "qualified library," "qualified
29 school," "telecommunications carrier" and "telecommunications
30 service." The amendment also requires the Public Utilities
31 Commission to report annually to the joint standing committee of
32 the Legislature having jurisdiction over utilities matters on the
33 progress made in meeting the goal of information access
34 established in Title 35-A, section 7101, subsection 4 and factors
35 promoting or impeding the achievement of that goal.

36 The amendment provides for the repeal of the provision
37 granting the Public Utilities Commission additional authority and
38 the provision imposing limitations on that authority on February
39 1, 2001. The amendment also makes the bill retroactive to May 1,
40 1995. Finally, the amendment clarifies that the Public Utilities
41 Commission's approval of NYNEX's plan to provide access to
42 information networks and services to public schools and public
43 libraries is authorized by this legislation.

44 The amendment also adds a fiscal note.