

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

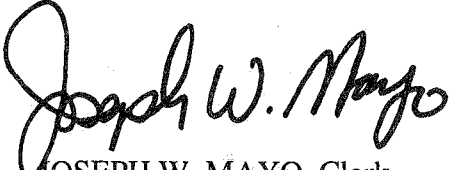
No. 2288

H.P. 1661

House of Representatives, March 24, 1998

An Act Regarding Telecommunications Regulation.

Reported by Representative JONES for the Joint Standing Committee on Utilities and Energy pursuant to Public Law 1997, chapter 276, section 6.


JOSEPH W. MAYO, Clerk

Be it enacted by the People of the State of Maine as follows:

2
4 Sec. 1. 35-A MRSA §7104, as enacted by PL 1991, c. 654, §4
and affected by §5, is repealed and the following enacted in its
place:

6
8 §7104. Affordable telephone service

10 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
12 on the network through increased participation in any universal
service program approved by the commission.

14 2. General availability. The commission shall seek to
16 ensure that similar telecommunication services are available to
consumers throughout all areas of the State at reasonably
18 comparable rates.

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

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

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

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

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

54 E. Require explicit identification on customer bills of

2 contributions to any state universal service fund
3 established pursuant to this section; and

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

8 Rules adopted under this subsection are routine technical rules
9 as defined in Title 5, chapter 375, subchapter II-A.

10 4. Standards and reporting. The commission, annually,
11 shall assess the penetration rate of basic telecommunications
12 services. If this penetration rate ever falls more than 2% below
13 the national average penetration rate, the commission shall
14 commence an investigation and take steps to enhance
15 telecommunications market penetration. The commission, annually,
16 shall assess the success of any actions taken by the commission
17 to achieve the purposes of this section. In the annual report
18 submitted by the commission pursuant to section 120, the
19 commission shall include a description of any actions taken
20 pursuant to this section and assessments made pursuant to this
21 subsection.

24

FISCAL NOTE

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27 The Public Utilities Commission will incur some minor
28 additional costs to adopt certain rules pertaining to intrastate
29 telecommunications service. These costs can be absorbed within
30 the commission's existing budgeted resources.

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SUMMARY

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35 This bill, which is reported by the Joint Standing Committee
36 on Utilities and Energy pursuant to its authority under Public
37 Law 1997, chapter 276, section 6, amends the laws relating to
38 affordable telephone service. This bill requires the Public
39 Utilities Commission to establish rules to achieve state
40 universal service goals and permits the commission to establish a
41 universal service program in which intrastate providers of
42 telecommunications services would be required to contribute to a
43 state universal service fund. These rules and any universal
44 service requirements established by the commission must be
consistent with the federal Telecommunications Act of 1996.