

House File 2446

H-8142

1 Amend House File 2446 as follows:

2 1. Page 2, after line 10 by inserting:

3 <Sec. _____. Section 476.1, subsections 4 and 6, Code 2018,
4 are amended by striking the subsections.>

5 2. Page 2, by striking lines 17 and 18 and inserting
6 <sections ~~476.11, 476.29, 476.95, 476.96, 476.100, 476.101,~~
7 476.95A, 476.95B, and 476.102.>

8 3. Page 2, by striking lines 19 through 34 and inserting:
9 <Sec. _____. Section 476.1D, subsection 4, Code 2018, is
10 amended to read as follows:

11 4. Upon deregulation, all investment, revenues, and
12 expenses associated with the service or facility shall be
13 removed from the telephone utility's regulated operations and
14 shall not be considered by the board in setting rates for the
15 telephone utility unless they continue to affect the utility's
16 regulated operations. If the board considers investment,
17 revenues, and expenses associated with unregulated services
18 or facilities in setting rates for the telephone utility, the
19 board shall not use any profits or costs from such unregulated
20 services or facilities to determine the rates for regulated
21 services or facilities. ~~This section does not preclude the
22 board from considering the investment, revenues, and expenses
23 associated with the sale of classified directory advertising
24 by a telephone utility in determining rates for the telephone
25 utility.~~

26 Sec. _____. Section 476.1D, subsection 10, Code 2018, is
27 amended by striking the subsection.>

28 4. Page 3, after line 1 by inserting:

29 <Sec. _____. Section 476.6, subsection 2, Code 2018, is
30 amended to read as follows:

31 2. *Written notice of increase.* All public utilities,
32 except those exempted from rate regulation by section 476.1
33 and telecommunications service providers registered pursuant
34 to section 476.95A, shall give written notice of a proposed
35 increase of any rate or charge to all affected customers served

1 by the public utility no more than sixty-two days prior to
2 and prior to the time the application for the increase is
3 filed with the board. Public utilities exempted from rate
4 regulation by section 476.1, except telecommunications service
5 providers registered pursuant to section 476.95A, shall give
6 written notice of a proposed increase of any rate or charge to
7 all affected customers served by the public utility at least
8 thirty days prior to the effective date of the increase. If
9 the public utility is subject to rate regulation, the notice
10 to affected customers shall also state that the customer has a
11 right to file a written objection to the rate increase and that
12 the affected customers may request the board to hold a public
13 hearing to determine if the rate increase should be allowed.
14 The board shall prescribe the manner and method that the
15 written notice to each affected customer of the public utility
16 shall be served.>

17 5. Page 3, after line 3 by inserting:

18 <Sec. ____ . Section 476.9, subsections 1, 2, and 3, Code
19 2018, are amended to read as follows:

20 1. Every public utility, except telecommunications service
21 providers registered pursuant to section 476.95A, shall keep
22 and render to the board in the manner and form prescribed by
23 the board uniform accounts of all business transacted.

24 2. Every public utility engaged directly or indirectly in
25 any other business than that of the production, transmission,
26 or furnishing of heat, light, water, ~~or~~ power, or the
27 collection and treatment of sanitary sewage or storm water, ~~or~~
28 ~~the furnishing of communications services to~~ for the public
29 shall, if required by the board, keep and render separately
30 to the board in like manner and form the accounts of all such
31 other business, in which case all the provisions of this
32 chapter shall apply to the books, accounts, papers and records
33 of such other business and all profits and losses may be taken
34 into consideration by the board if deemed relevant to the
35 general fiscal condition of the public utility.

1 3. Every public utility, except telecommunications service
2 providers registered pursuant to section 476.95A, is required
3 to keep and render its books, accounts, papers and records
4 accurately and faithfully in the manner and form prescribed
5 by the board, and to comply with all directions of the board
6 relating to such books, accounts, papers and records.>

7 6. Page 3, after line 30 by inserting:
8 <Sec. _____. Section 476.20, Code 2018, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 6. This section shall not apply to
11 telecommunications service providers registered pursuant to
12 section 476.95A.>

13 7. Page 4, after line 26 by inserting:
14 <Sec. _____. Section 476.54, Code 2018, is amended to read as
15 follows:

16 **476.54 Delayed payment charges.**
17 A public utility shall not apply delayed payment charges
18 on a customer's account if the scheduled payment was made by
19 the customer within twenty days from the date the billing was
20 sent to the customer. Delayed payment charges on a customer's
21 account shall not exceed one and one-half percent per month
22 of the past-due amount. This section shall not apply to
23 telecommunications service providers registered pursuant to
24 section 476.95A.

25 Sec. _____. Section 476.95, Code 2018, is amended by striking
26 the section and inserting in lieu thereof the following:

27 **476.95 Internet protocol-enabled service and voice over**
28 **internet protocol service — regulation.**

- 29 1. For purposes of this section:
30 a. *"Internet protocol-enabled service"* means any service,
31 capability, functionality, or application that uses internet
32 protocol or any successor protocol and enables an end user
33 to send or receive voice, data, or video communications in
34 internet protocol format or a successor format.
35 b. *"Political subdivision"* means the same as defined in

1 section 145A.2.

2 *c.* "Voice over internet protocol service" means an internet
3 protocol-enabled service that facilitates real-time, two-way
4 voice communication that originates from, or terminates at, a
5 user's location and permits the user to receive a call that
6 originates from the public switched telephone network and to
7 terminate a call on the public switched telephone network.

8 2. Notwithstanding any other provision of law to the
9 contrary, a department, agency, board, or political subdivision
10 of the state shall not regulate, by rule, order, or other means
11 directly or indirectly, the entry, rates, terms, or conditions
12 for internet protocol-enabled service or voice over internet
13 protocol service.

14 3. This section shall not be construed to affect, modify,
15 limit, or expand any of the following:

16 *a.* The authority of the attorney general to take any action
17 pursuant to chapter 537 or section 714.16.

18 *b.* The application or enforcement of any law that is
19 intended to have general application to the conduct of business
20 in this state.

21 *c.* Any obligation under section 251 or 252 of the federal
22 Telecommunications Act of 1996.

23 *d.* Any authority of the board over wholesale
24 telecommunications services, rates, agreements,
25 interconnection, providers, or tariffs.

26 *e.* Any authority of the board to address or affect the
27 resolution of a dispute regarding intercarrier compensation.

28 *f.* Any authority of the board, in accordance with state and
29 federal law, to assess voice over internet protocol service for
30 any of the following:

31 (1) Surcharges for 911 emergency services under section
32 34A.7.

33 (2) Assessments for dual party relay service under section
34 477C.7.

35 (3) Direct costs under section 476.10 and a share of

1 remainder assessments that reflect the service's lesser degree
2 of regulation.

3 Sec. ____ . NEW SECTION. **476.95A Annual registration for**
4 **telecommunications service providers.**

5 1. A provider of telecommunications service, as defined in
6 section 476.103, offering telephone numbers to retail customers
7 in this state shall register annually with the board.

8 2. An applicant shall complete an application for
9 registration on a form provided by the board. The form shall
10 include contact information, the approximate number of service
11 lines provided in the state, and any other information deemed
12 necessary by the board.

13 3. Within five business days of the receipt of a completed
14 application for registration, the board shall issue a
15 nonexclusive acknowledgment of compliance with this section.
16 The acknowledgment shall authorize the registrant to obtain
17 telephone numbers, interconnect with other telecommunications
18 service providers, cross railroad rights-of-way pursuant to
19 section 476.27, and provide telecommunications service in this
20 state. An acknowledgment may be transferred by filing a new
21 or updated registration form.

22 4. A registrant shall submit to the board corrections
23 to the information supplied in the registration form
24 within a reasonable time after a change in circumstances,
25 which circumstances would be required to be reported in an
26 application for registration form.

27 5. Refusal to file and maintain an annual registration
28 pursuant to this section is a violation of this chapter and
29 may subject a telecommunications service provider to a civil
30 penalty pursuant to section 476.51.

31 6. Notwithstanding this subsection, the board shall
32 continue to recognize the validity of, and the rights conferred
33 upon, a certificate of public convenience and necessity issued
34 to a telecommunications service provider by the board prior to
35 July 1, 2018.

1 Sec. _____. NEW SECTION. **476.95B** **Applicability of authority.**

2 1. The board may exercise any powers reserved or delegated
3 to the state by the federal Telecommunications Act of 1996
4 or any other federal law, rule, or order thereunder, and may
5 hear and resolve any dispute arising thereunder, including but
6 not limited to intercarrier compensation, interconnection, and
7 number portability.

8 2. In proceedings under 47 U.S.C. §251-254, the board
9 shall allocate the costs and expenses of the proceedings to
10 persons identified as parties in the proceeding who are engaged
11 in or who seek to engage in providing telecommunications
12 service or other persons identified as participants in the
13 proceeding. The funds received for the costs and the expenses
14 shall be remitted to the treasurer of state for deposit in the
15 department of commerce revolving fund created in section 546.12
16 as provided in section 476.10.

17 Sec. _____. Section 476.102, subsection 2, paragraph d, Code
18 2018, is amended to read as follows:

19 *d.* The plan should be based on other principles as the board
20 determines are necessary and appropriate for the protection of
21 the public interest, convenience, and necessity and consistent
22 with the purposes of ~~sections 476.95 through 476.101~~ and this
23 section.>

24 8. Page 4, after line 34 by inserting:

25 <Sec. _____. Section 477A.3, subsection 1, paragraph f, Code
26 2018, is amended to read as follows:

27 *f.* Documentation that the applicant possesses sufficient
28 managerial, technical, and financial capability to provide
29 the cable service or video service proposed in the service
30 area. ~~An applicant or its subsidiary which has been issued
31 a certificate of public convenience and necessity to provide
32 telephone service pursuant to section 476.29 shall be exempt
33 from the provisions of this paragraph.~~

34 Sec. _____. Section 477C.7, Code 2018, is amended to read as
35 follows:

1 **477C.7 Funding.**

2 1. The board shall impose an ~~annual~~ assessment to fund the
3 programs described in this chapter upon all ~~telecommunications~~
4 wireless carriers and wire-line local exchange carriers
5 providing telecommunications service in the state in the amount
6 of three cents per month for each telecommunications service
7 phone number provided in this state.

8 ~~2. The total assessment shall be allocated as follows:~~

9 ~~a. Wireless communications service providers shall be~~
10 ~~assessed three cents per month for each wireless communications~~
11 ~~service number provided in this state.~~

12 ~~b. (1) The remainder of the assessment shall be allocated~~
13 ~~one-half to local exchange telephone utilities and one-half to~~
14 ~~the following:~~

15 ~~(a) Interexchange carriers.~~

16 ~~(b) Centralized equal access providers.~~

17 ~~(c) Alternative operator services companies.~~

18 ~~(2) The assessment shall be allocated proportionally based~~
19 ~~upon revenues from all intrastate regulated, deregulated, and~~
20 ~~exempt telephone services under sections 476.1 and 476.1D.~~

21 ~~3. 2. The telecommunications carriers entities subject~~
22 ~~to assessment shall remit the assessed amounts quarterly to a~~
23 ~~special fund, as defined under section 8.2, subsection 9. The~~
24 ~~moneys in the fund are appropriated solely to plan, establish,~~
25 ~~administer, and promote the relay service and equipment~~
26 ~~distribution programs.~~

27 ~~4. 3. The telecommunications carriers entities subject to~~
28 ~~assessment shall provide the information requested by the board~~
29 ~~necessary for implementation of the assessment.~~

30 ~~5. 4. The Wire-line local exchange telephone utilities~~
31 ~~carriers shall not recover from intrastate access charges~~
32 ~~any portion of such utilities assessment imposed under this~~
33 ~~section.>~~

34 9. Page 8, after line 9 by inserting:

35 <Sec. _____. Section 714H.4, subsection 1, paragraph d, Code

1 2018, is amended to read as follows:

2 *d.* The provision of local exchange carrier telephone service
3 ~~pursuant to a certificate issued under [section 476.29](#).~~

4 Sec. ____ . REPEAL. Sections 476.11, 476.57, 476.96,
5 476.100, and 476.101, Code 2018, are repealed.>

6 10. By renumbering as necessary.

PETTENGILL of Benton