

MAR 13 1997  
Place On Calendar

*Substituted  
for S.F. 360  
4-16-97 C.*

HOUSE FILE 596  
BY COMMITTEE ON COMMERCE AND  
REGULATION

(SUCCESSOR TO HSB 104)

*(P. 139)*  
Passed House, Date 3-18-97 Passed Senate, Date 4-16-97 (p. 1198)  
Vote: Ayes 100 Nays 0 Vote: Ayes 48 Nays 0  
Approved April 23, 1997

A BILL FOR

1 An Act authorizing the utilities board to issue certificates of  
2 public convenience and necessity to municipal  
3 telecommunications utilities, regulating certain municipal  
4 utilities as competitive local exchange service providers, and  
5 including effective date and retroactive applicability  
6 provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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*HF 596*

1 Section 1. Section 476.1B, subsection 1, unnumbered  
2 paragraph 1, Code 1997, is amended to read as follows:

3 Unless otherwise specifically provided by statute, a  
4 municipally owned utility furnishing gas or electricity is not  
5 subject to regulation by the board under this chapter, except  
6 for regulatory action pertaining to:

7 Sec. 2. Section 476.1B, Code 1997, is amended by adding  
8 the following new subsection:

9 NEW SUBSECTION. 3. Unless otherwise specifically provided  
10 by statute, a municipally owned utility providing local  
11 exchange services is not subject to regulation by the board  
12 under this chapter except for regulatory action pertaining to  
13 the enforcement of sections 476.11, 476.29, 476.95, 476.96,  
14 476.101, and 476.102.

15 Sec. 3. Section 476.29, Code 1997, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 16. Notwithstanding other provisions of  
18 this section, approval by the voters of a city pursuant to  
19 section 388.2 of a proposal to establish or acquire a public  
20 utility providing communications services is conclusive  
21 evidence of the fact that the city has the technical,  
22 financial, and managerial ability to provide such service.  
23 Following the notice and opportunity for hearing in subsection  
24 2, an applicant shall not be denied a certificate if the board  
25 finds the proposed service is consistent with the public  
26 interest.

27 Sec. 4. Section 476.96, subsection 3, Code 1997, is  
28 amended to read as follows:

29 3. "Competitive local exchange service provider" means any  
30 person, including a municipal utility, that provides local  
31 exchange services, other than a local exchange carrier or a  
32 nonrate-regulated wireline provider of local exchange services  
33 under an authorized certificate of public convenience and  
34 necessity within a specific geographic area described in maps  
35 filed with and approved by the board as of September 30, 1992.

1     Sec. 5.  APPLICABILITY.  A city that has made application  
2 to the board for issuance of a certificate of public  
3 convenience and necessity prior to the effective date of this  
4 Act shall not be deemed to be in violation of this Act for  
5 failure to comply with the provisions of chapter 476.  The  
6 original application for a certificate shall be deemed refiled  
7 as of the effective date of the Act for purposes of issuance  
8 of the certificate in accordance with this Act.

9     Sec. 6.  EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

10 This Act, being deemed of immediate importance, takes effect  
11 upon enactment and is retroactively applicable to October 18,  
12 1994.

13   EXPLANATION

14     This bill authorizes the utilities board to grant  
15 certificates of public convenience and necessity to municipal  
16 utilities providing local exchange services.  The bill  
17 includes a municipal utility under the definition of a  
18 competitive local exchange service provider.  The bill  
19 subjects a municipal utility providing telecommunications to  
20 the Code provisions relating to competitive local exchange  
21 service providers.

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Rants  
Larson  
Koenigs

HSB 104  
COMMERCE AND REGULATION

Succeeded By  
SF/HF 596

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
COMMERCE AND REGULATION  
BILL BY CHAIRPERSON METCALF)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the regulation of municipal utilities  
2 providing telecommunications services.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2 paragraph 1, Code 1997, is amended to read as follows:

3 Unless otherwise specifically provided by statute, a  
4 municipally owned utility furnishing gas or electricity is not  
5 subject to regulation by the board under this chapter, except  
6 for regulatory action pertaining to:

7 Sec. 2. Section 476.1B, Code 1997, is amended by adding  
8 the following new subsection:

9 NEW SUBSECTION. 3. Unless otherwise specifically provided  
10 by statute, a municipally owned utility providing  
11 telecommunications services is not subject to regulation by  
12 the board under this chapter except for regulatory action  
13 pertaining to the enforcement of sections 476.11, 476.29,  
14 476.95, 476.96, 476.101, and 476.102.

15 Sec. 3. Section 476.96, subsection 3, Code 1997, is  
16 amended to read as follows:

17 3. "Competitive local exchange service provider" means any  
18 person, including a municipal utility, that provides local  
19 exchange services, other than a local exchange carrier or a  
20 nonrate-regulated wireline provider of local exchange services  
21 under an authorized certificate of public convenience and  
22 necessity within a specific geographic area described in maps  
23 filed with and approved by the board as of September 30, 1992.

24 EXPLANATION

25 This bill authorizes the utilities board to grant  
26 certificates of public convenience and necessity to municipal  
27 utilities providing telecommunications services. The bill  
28 includes a municipal utility under the definition of a  
29 competitive local exchange service provider. The bill  
30 subjects a municipal utility providing telecommunications to  
31 the Code provisions relating to competitive local exchange  
32 service providers.

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