

FILED MAR 10 1997

Substituted by
HF 596
4-16-97
(P. 1198)

SENATE FILE 360
BY COMMITTEE ON COMMERCE

WITHDRAWN (SUCCESSOR TO SSB 105)
4-16-97
(P. 1198)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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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WITHDRAWN

S.F. 360

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.

Redfern, Chair
Lundby
Palmer

SSB 105

Commerce
Succeeded By
SE/HF 360

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON JENSEN)

Passed Senate, Date _____ Passed House, 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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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
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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