

Senate Study Bill 3092 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
COMMERCE/UTILITIES DIVISION
BILL)

A BILL FOR

1 An Act relating to matters under the purview of the utilities
2 division of the department of commerce.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 476.1D, subsection 1, paragraph c, Code
2 2014, is amended by striking the paragraph.

3 Sec. 2. Section 476.1D, subsection 2, Code 2014, is amended
4 to read as follows:

5 2. ~~Except as provided in subsection 1, paragraph "c",~~
6 ~~deregulation~~ Deregulation of a service or facility for
7 a utility is effective only after a finding of effective
8 competition by the board.

9 Sec. 3. Section 476.3, subsection 2, paragraph b, Code 2014,
10 is amended by striking the paragraph.

11 Sec. 4. Section 476.5, Code 2014, is amended to read as
12 follows:

13 **476.5 Adherence to schedules — discounts.**

14 No public utility subject to rate regulation shall directly
15 or indirectly charge a greater or less compensation for its
16 services than that prescribed in its tariffs, and no such
17 public utility shall make or grant any unreasonable preferences
18 or advantages as to rates or services to any person or subject
19 any person to any unreasonable prejudice or disadvantage.

20 ~~Nothing in this section shall be construed to prohibit~~
21 ~~any public utility furnishing communications services from~~
22 ~~providing any service rendered by it without charge or~~
23 ~~at reduced rate to any of its active or retired officers,~~
24 ~~directors, or employees, or such officers, directors or~~
25 ~~employees of other public utilities furnishing communications~~
26 ~~services. Provided, however, said service is for personal use,~~
27 ~~and not for engaging in a business for profit.~~

28 Sec. 5. Section 476.6, subsection 9, Code 2014, is amended
29 by striking the subsection.

30 Sec. 6. Section 476.29, subsection 15, Code 2014, is amended
31 by striking the subsection.

32 Sec. 7. Section 476.96, Code 2014, is amended to read as
33 follows:

34 **476.96 Definitions.**

35 As used in ~~section 476.95, this section, and sections~~

1 ~~476.97 through 476.102~~ 476.100 and 476.101, unless the context
2 otherwise requires:

3 1. ~~"Basic communications service" includes at a minimum,~~
4 ~~basic local telephone service, switched access, 911 and~~
5 ~~E-911 services, and dual party relay service. The board is~~
6 ~~authorized to classify by rule at any time, any other two-way~~
7 ~~switched communications services as basic communications~~
8 ~~services consistent with community expectations and the public~~
9 ~~interest.~~

10 2. ~~"Basic local telephone service" means the provision~~
11 ~~of dial tone access and usage, for the transmission of~~
12 ~~two-way switched communications within a local exchange area,~~
13 ~~including, but not limited to, the following:~~

14 a. ~~Residence service and business services, including flat~~
15 ~~rate or local measured service, private branch exchange trunks,~~
16 ~~trunk type hunting services, direct inward dialing, and the~~
17 ~~network access portion of central office switched exchange~~
18 ~~service.~~

19 b. ~~Extended area service.~~

20 c. ~~Touch tone service when provided separately.~~

21 d. ~~Call tracing.~~

22 e. ~~Calling number blocking on either a per call or a per~~
23 ~~line basis.~~

24 f. ~~Local exchange white pages directories.~~

25 g. ~~Installation and repair of local network access.~~

26 h. ~~Local operator services, excluding directory assistance.~~

27 i. ~~Toll service blocking and 1-900 and 1-976 access~~
28 ~~blocking.~~

29 3. 1. ~~"Competitive local exchange service provider" means~~
30 ~~any 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 ~~4. "Interim number portability" means one or more mechanisms~~
2 ~~by which a local exchange customer at a particular location~~
3 ~~may change the customer's local exchange services provider~~
4 ~~without any change in the local exchange customer's telephone~~
5 ~~number, while experiencing as little loss of functionality as~~
6 ~~is feasible using available technology.~~

7 ~~5. 2. "Local exchange carrier" means any person that was~~
8 ~~the incumbent and historical rate-regulated wireline provider~~
9 ~~of local exchange services or any successor to such person~~
10 ~~that provides local exchange services under an authorized~~
11 ~~certificate of public convenience and necessity within a~~
12 ~~specific geographic area described in maps filed with and~~
13 ~~approved by the board as of September 30, 1992.~~

14 ~~6. "Nonbasic communications services" means all~~
15 ~~communications services subject to the board's jurisdiction~~
16 ~~which are not deemed either by statute or by rule to be basic~~
17 ~~communications services, including any service offered by~~
18 ~~the local exchange carrier for the first time after July 1,~~
19 ~~1995. A service is not considered new if it constitutes the~~
20 ~~bundling, unbundling, or repricing of an already existing~~
21 ~~service. Consistent with community expectations and the public~~
22 ~~interest, the board may reclassify by rule as nonbasic those~~
23 ~~two-way switched communications services previously classified~~
24 ~~by rule as basic.~~

25 ~~7. "Provider number portability" means the capability of a~~
26 ~~local exchange customer to change the customer's local exchange~~
27 ~~services provider at the customer's same location without any~~
28 ~~change in the local exchange customer's telephone number, while~~
29 ~~preserving the full range of functionality that the customer~~
30 ~~currently experiences. "Provider number portability" includes~~
31 ~~the equal availability of information concerning the local~~
32 ~~exchange provider serving the number to all carriers, and the~~
33 ~~ability to deliver traffic directly to that provider without~~
34 ~~having first to route traffic to the local exchange carrier or~~
35 ~~otherwise use the services, facilities, or capabilities of the~~

1 ~~local exchange carrier to complete the call, and without the~~
2 ~~dialing of additional digits or access codes.~~

3 Sec. 8. Section 476.101, subsections 4, 5, and 6, Code 2014,
4 are amended by striking the subsections.

5 Sec. 9. Section 476.101, subsection 8, Code 2014, is amended
6 to read as follows:

7 8. Any person may file a written complaint with the
8 board requesting the board to determine compliance by a
9 local exchange carrier with the provisions of sections
10 476.96 ~~through~~ and 476.100, 476.102, and this section, or any
11 board rules implementing those sections. Upon the filing
12 of such complaint, the board may promptly initiate a formal
13 complaint proceeding and give notice of the proceeding and the
14 opportunity for hearing. The formal complaint proceeding may
15 be initiated at any time by the board on its own motion. The
16 board shall render a decision in the proceeding within ninety
17 days after the date the written complaint was filed.

18 Sec. 10. REPEAL. Sections 476.4A, 476.97, and 476.99, Code
19 2014, are repealed.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to matters under the purview of the
24 utilities division of the department of commerce, and is
25 primarily focused on the removal of specified outdated or
26 obsolete provisions.

27 The bill eliminates provisions contained in Code sections
28 476.1D and 476.97 which provided for the retail rate-regulation
29 or price regulation of telephone local exchange services and
30 the discontinuance of retail rate regulation on a gradual
31 basis.

32 The bill also eliminates a provision which authorizes
33 an exemption from tariff filing requirements for telephone
34 utilities for certain specific services which are no longer
35 being offered. Additionally, the bill eliminates a provision

1 permitting telephone utilities to offer discounted service
2 either without charge or at a discounted rate to specified
3 active or retired officers, directors, or employees consistent
4 with the fact that retail rate regulation is no longer being
5 undertaken. A provision permitting the Iowa utilities board to
6 approve a schedule of rate levels for regulated communications
7 services is similarly eliminated. The bill also eliminates an
8 outdated provision requiring the board to provide a written
9 report to the general assembly no later than January 20, 2005,
10 describing the current status of local telephone service in
11 Iowa.

12 The bill deletes definitions contained in Code section
13 476.96 which are referenced in Code sections repealed by the
14 bill. The bill additionally eliminates outdated provisions in
15 Code section 476.101 relating to rulemaking in 1995 which was
16 not undertaken, requiring tariffs or price lists to be filed
17 by incumbent local exchange carriers which were superseded by
18 federal law, and applying to contested cases pending as of July
19 1, 1995, which have all been completed.