House Study Bill 588 - Introduced

HOUSE FILE \_\_\_\_\_ BY (PROPOSED COMMITTEE ON COMMERCE BILL BY CHAIRPERSON CARLSON)

## A BILL FOR

An Act relating to access to the Iowa communications network.
 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

H.F.\_\_\_\_

1 Section 1. Section 8D.2, Code 2020, is amended by adding the 2 following new subsections:

3 <u>NEW SUBSECTION</u>. 01. "*Broadband infrastructure*" means the 4 same as defined in section 8B.1.

5 <u>NEW SUBSECTION</u>. 1A. "*Communications service provider*" means 6 the same as defined in section 8B.1.

7 <u>NEW SUBSECTION</u>. 7. "Underserved area" means the same as 8 defined in section 8B.1.

9 Sec. 2. <u>NEW SECTION</u>. 8D.15 Wholesale access authorization.
10 1. Access to network — commission authority.

11 Notwithstanding any contrary provisions of this chapter related 12 to access to the network, the commission may enter into a 13 contract to provide access to the network to a person who 14 is not an authorized user as provided in this section. The 15 commission may establish by rule the manner in which a contract 16 entered into pursuant to this section shall be undertaken.

Access requirements — limitations. Access to the
 network pursuant to any contract entered into by the commission
 pursuant to this section shall be subject to the following:
 a. Sufficient capacity for existing and future authorized
 user demands.

*b.* Access shall be provided for purposes of the installation
and deployment of broadband infrastructure in underserved areas
of the state.

*c.* Access shall be provided for wholesale transactions to
communications service providers who are engaged in providing
broadband capacity at retail to citizens and businesses in this
state.

29 d. Access shall not be provided at retail to persons who are 30 not authorized users or otherwise provided network access at 31 retail as of July 1, 2020.

*e.* Access provided shall not be used by a communications service provider to provide services or broadband capacity to persons who are authorized users or otherwise provided network access as of July 1, 2020.

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3. Wholesale access — rates. The commission shall
 2 establish policies to determine the rates applicable to a
 3 wholesale transaction pursuant to this section.

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## EXPLANATION

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

7 This bill relates to access to the Iowa communications 8 network.

9 The bill defines the term "broadband infrastructure" by 10 reference to Code section 8B.1, as the physical infrastructure 11 used for the transmission of data that provides broadband 12 services. "Broadband infrastructure" does not include land, 13 buildings, structures, improvements, or equipment not directly 14 used in the transmission of data via broadband. The bill also 15 defines the term "communications service provider" by reference 16 to Code section 8B.1, as a service provider that provides 17 broadband service. The bill defines "underserved area" by 18 reference to Code section 8B.1, as a portion of a targeted 19 service area within which no communications service provider 20 offers or facilitates broadband service meeting the download 21 and upload speeds specified in the definition of targeted 22 service area in Code section 8B.1.

The bill permits wholesale access to the Iowa communications 23 24 network to persons who are not otherwise authorized users as 25 determined under Code chapter 8D. The bill provides that the 26 telecommunications and technology commission may enter into a 27 contract to provide access to the network to a communications 28 service provider for the installation and deployment of 29 broadband infrastructure in an underserved area. The bill 30 provides that the commission may establish by rule the manner 31 in which a contract entered into shall be undertaken. The bill 32 provides that access shall be subject to sufficient capacity 33 for existing and future authorized users of the network, shall 34 be provided for the purposes of the installation and deployment 35 of broadband infrastructure in underserved areas, and shall be

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2 providers who are engaged in providing broadband capacity at

3 retail to citizens and businesses in the state.

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