

By: Smithee, Rodriguez, Ashby,
King of Uvalde, Anderson, et al.

H.B. No. 2667

Substitute the following for H.B. No. 2667:

By: Paddie

C.S.H.B. No. 2667

A BILL TO BE ENTITLED

AN ACT

1
2 relating to universal service fund assistance to high cost rural
3 areas and the uniform charge that funds the universal service fund;
4 authorizing a fee.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 56.001, Utilities Code, is amended by
7 adding Subdivision (3) to read as follows:

8 (3) "High cost rural area" means:

9 (A) an area served by a small provider as defined
10 by Section 56.032; or

11 (B) an exchange:

12 (i) receiving support under the Texas High
13 Cost Universal Service Plan (16 T.A.C. Section 26.403) or the Small
14 and Rural Incumbent Local Exchange Company Universal Service Plan
15 (16 T.A.C. Section 26.404); and

16 (ii) designated by commission rule, taking
17 into account the number of providers serving the exchange, the
18 population density in the exchange, and the number of customers
19 served per route mile of plant in service used to provide basic
20 telecommunications service.

21 SECTION 2. Section 56.022, Utilities Code, is amended to
22 read as follows:

23 Sec. 56.022. UNIFORM CHARGE. (a) The universal service
24 fund is funded by a statewide uniform charge payable by each

1 telecommunications provider and each provider of Voice over
2 Internet Protocol service that has access to the customer base.

3 (b) A telecommunications provider or provider of Voice over
4 Internet Protocol service shall pay the charge in accordance with
5 procedures approved by the commission.

6 (c) The uniform charge is on services and at rates the
7 commission determines and may be in the form of a fee or an
8 assessment on revenues. In establishing the charge and the
9 services to which the charge will apply, the commission may not:

10 (1) grant an unreasonable preference or advantage to a
11 telecommunications provider or a provider of Voice over Internet
12 Protocol service;

13 (2) assess the charge on pay telephone service; [~~or~~]

14 (3) subject a telecommunications provider or a
15 provider of Voice over Internet Protocol service to unreasonable
16 prejudice or disadvantage;

17 (4) assess the charge in a manner that is not
18 technology-neutral or that grants an unreasonable preference based
19 on technology; or

20 (5) assess a charge for the service, in the form of a
21 fee or otherwise, on a device that a consumer of the service uses to
22 access the service.

23 SECTION 3. Sections 56.024(a) and (b), Utilities Code, are
24 amended to read as follows:

25 (a) The commission may require a telecommunications
26 provider or a provider of Voice over Internet Protocol service to
27 provide a report or information necessary to assess contributions

1 and disbursements to the universal service fund.

2 (b) A report or information the commission requires a
3 telecommunications provider or a provider of Voice over Internet
4 Protocol service to provide under Subsection (a) is confidential
5 and not subject to disclosure under Chapter 552, Government Code.

6 SECTION 4. Not later than December 31, 2021, the Public
7 Utility Commission of Texas shall adopt the rules required by
8 Section 56.001, Utilities Code, as amended by this Act.

9 SECTION 5. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2021.