

By: Smithee

H.B. No. 2667

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the definition of telecommunications providers and the
3 Texas Universal Service Fund, authorizing an assessment.

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

5 SECTION 1. Section 51.002 (10), Utilities Code, is amended
6 to read as follows:

7 (10) "Telecommunications provider";

8 (A) means:

9 (i) a certificated telecommunications
10 utility;

11 (ii) a shared tenant service provider;

12 (iii) a nondominant carrier of
13 telecommunications services;

14 (iv) a provider of commercial mobile
15 service as defined by Section 332(d), Communications Act of 1934
16 (47 U.S.C. Section 151 et seq.), Federal Communications Commission
17 rules, and the Omnibus Budget Reconciliation Act of 1993 (Public
18 Law 103-66), except that the term does not include these entities
19 for the purposes of Chapter 17, 55, or 64;

20 (v) a telecommunications entity that
21 provides central office based PBX-type sharing or resale
22 arrangements;

23 (vi) an interexchange telecommunications
24 carrier;

- 1 (vii) a specialized common carrier;
2 (viii) a reseller of communications;
3 (ix) a provider of operator services;
4 (x) a provider of customer-owned pay
5 telephone service;
6 (xi) a provider of Voice over Internet
7 Protocol service; or
8 [~~(xi)~~](xii) a person or entity determined
9 by the commission to provide telecommunications services to
10 customers in this state; and

11 (B) does not mean;

12 (i) a provider of enhanced or information
13 services, or another user of telecommunications services, who does
14 not also provided telecommunications services; or

15 (ii) a state agency or institution of
16 higher education, or a service provided by a state agency or state
17 institution of higher education.

18 SECTION 2. Section 56.022, Utilities Code, is amended to
19 read as follows:

20 Sec. 56.022. UNIFORM CHARGE.

21 (a) The universal service fund is funded by a statewide
22 uniform charge payable by each telecommunication provider that has
23 access to the customer base.

24 (b) A telecommunications provider shall pay the charge in
25 accordance with procedures approved by the commission.

26 (c) The uniform charge is on services and at rates the
27 commission determines and may be in the form of a fee or an

1 assessment on revenues. In establishing the charge and the
2 services to which the charge will apply, the commission may not:

3 (1) grant an unreasonable preference or advantage to a
4 telecommunications provider;

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

6 (3) subject a telecommunications provider to
7 unreasonable prejudice or disadvantage; or

8 (4) assess the charge in a manner that is not
9 technology neutral or grants an unreasonable preference based on
10 technology.

11 SECTION 3. SECTION 1. Section 56.001, Utilities Code, is
12 amended to read as follows:

13 Sec. 56.001. DEFINITIONS. In this chapter:

14 (1) "Department" means the Department of Assistive and
15 Rehabilitative Services.

16 (2) "Designated provider" means a telecommunications
17 provider designated by the commission to provide services to an
18 uncertificated area under Subchapter F.

19 (2-a) "Executive commissioner" means the executive
20 commissioner of the Health and Human Services Commission.

21 (3) "High cost rural area" as used in Sec. 56.021(1)
22 means:

23 (A) any area served by a "Small provider" as
24 defined by Sec. 56.032(a)(2); and

25 (B) any exchange receiving support under the
26 plans identified in Sec 56.021(1) as of December 31, 2020 where:

27 (i) the population has not since increased

1 by more than 100% since the year 2000; and

2 (ii) there are less than 30 customers per
3 route mile of plant in service.

4 SECTION 3. This Act takes immediate effect if it receives a
5 vote of two-thirds of all members elected to each house, as provided
6 by Section 39, Article III, Texas Constitution. If this Act does
7 not receive the vote necessary to take effect on that date, this Act
8 takes effect on September 1, 2021.