

By: Raymond

H.B. No. 4230

A BILL TO BE ENTITLED

AN ACT

relating to the emergency coordination of advanced communications service.

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

SECTION 1. Subtitle C, Title 2, Utilities Code, is amended by adding Chapter 67 to read as follows:

CHAPTER 67. EMERGENCY COORDINATION OF ADVANCED COMMUNICATIONS

SERVICE

Sec. 67.0101. DEFINITION. In this chapter, "advanced communications service" means:

(1) interconnected Voice over Internet Protocol service, such as home telephone service provided by an Internet service provider;

(2) non-interconnected Voice over Internet Protocol service, such as using a computer to engage in voice communication over the Internet;

(3) electronic messaging service, such as text messaging, instant messaging, or e-mail; or

(4) interoperable videoconferencing service.

Sec. 67.0102. POWER TO REGULATE AND SUPERVISE. (a) The commission has authority to regulate and supervise a provider of advanced communications service for the purposes of this chapter.

(b) This chapter does not grant the commission authority to regulate and supervise a provider of advanced communications

1 service for a purpose other than the purposes of this chapter.

2 Sec. 67.0103. EMERGENCY COORDINATION. (a) The commission
3 by rule shall provide for coordination among providers of advanced
4 communications service during times of emergency, including
5 requiring providers of wireless advanced communications service to
6 have in place reasonable roaming and peering agreements for times
7 of emergency that can be employed without additional negotiation.

8 (b) The commission shall distribute a set of recommended
9 best practices on how providers of advanced communications service
10 and providers of electricity service should coordinate in order to
11 ensure that advanced communications service remains operational
12 during times of emergency and preplanned power downs.

13 (c) The commission shall:

14 (1) establish a process by which providers of advanced
15 communications service and providers of electricity service share
16 information regarding prioritizing infrastructure that is used in
17 the provision of advanced communications service for restoring
18 power to best restore critical parts of advanced communications
19 service networks necessary for emergency response and restoration
20 efforts, in a manner that promotes the most efficient and effective
21 use of resources during times of emergency and preplanned power
22 outages;

23 (2) ensure that providers of advanced communications
24 service take reasonable and technically feasible measures to
25 integrate backup power, including generators and batteries, into
26 advanced communications service networks to continue the provision
27 of advanced communications service during and following times of

1 emergency and during preplanned power outages, with particular
2 focus on consumers' ability to send and receive emergency
3 communications; and

4 (3) take all necessary, reasonable measures to ensure
5 appropriate coordination, including at incident command centers
6 established during times of emergency, between providers of
7 electricity service and providers of advanced communications
8 service and, where appropriate, state and local representatives to
9 ensure the providers:

10 (A) are aware of where infrastructure used in the
11 provision of advanced communications service is located to avoid
12 inadvertently damaging such infrastructure and delaying
13 restoration of advanced communications service during and
14 following times of emergency and preplanned power outages;

15 (B) communicate with each other on a regular and
16 ongoing basis regarding the progress of network restoration during
17 and following times of emergency and preplanned power outages; and

18 (C) are aware of their respective restoration
19 plans, priorities, and critical sites in advance of any emergency,
20 as well as during and following times of emergency and preplanned
21 power outages.

22 SECTION 2. This Act takes effect September 1, 2021.