

By: Perry

S.B. No. 1246

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 51.002(10), Utilities Code, is amended
7 to read as follows:

8 (10) "Telecommunications provider":

9 (A) means:

10 (i) a certificated telecommunications
11 utility;

12 (ii) a shared tenant service provider;

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

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

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

24 (vi) an interexchange telecommunications

1 carrier;

2 (vii) a specialized common carrier;

3 (viii) a reseller of communications;

4 (ix) a provider of operator services;

5 (x) a provider of customer-owned pay
6 telephone service; ~~or~~

7 (xi) a provider of Voice over Internet
8 Protocol service; or

9 (xii) a person or entity determined by the
10 commission to provide telecommunications services to customers in
11 this state; and

12 (B) does not mean:

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

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

19 SECTION 2. Section 56.001, Utilities Code, is amended by
20 adding Subdivision (3) to read as follows:

21 (3) "High cost rural area" means an area:

22 (A) served by a small provider as defined by
23 Section 56.032; or

24 (B) served by a local exchange company that
25 receives support under the Texas High Cost Universal Service Plan
26 (16 T.A.C. Section 26.403) or the Small and Rural Incumbent Local
27 Exchange Company Universal Service Plan (16 T.A.C. Section 26.404)

1 and in which:

2 (i) the population has not since increased
3 by more than 100 percent since the year 2000; and

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

6 SECTION 3. Section 56.022(c), Utilities Code, is amended to
7 read as follows:

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

12 (1) grant an unreasonable preference or advantage to a
13 telecommunications provider;

14 (2) assess the charge on pay telephone service; ~~or~~

15 (3) subject a telecommunications provider to
16 unreasonable prejudice or disadvantage; or

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

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2021.