

By: King of Hemphill

H.B. No. 3823

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration of the universal service fund.

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

4 SECTION 1. Section 56.022, Utilities Code, is amended by
5 amending Subsections (a) and (c) and adding Subsection (d) to read
6 as follows:

7 (a) The universal service fund is funded by a statewide
8 uniform charge payable by each telecommunications provider that has
9 access to the customer base. The commission may establish the
10 statewide uniform charge as a fixed amount applicable to each
11 communication connection on a competitively and technologically
12 neutral basis. In this subsection, "communication connection"
13 means a voice-enabled telephone access line, wireless voice
14 connection, unique voice over Internet protocol service
15 connection, or other equivalent connection as determined by
16 commission rule.

17 (c) The uniform is [~~on services and~~] at rates the commission
18 determines. In establishing the uniform charge and the services to
19 which the charge will apply, the commission may not:

20 (1) grant an unreasonable preference or advantage to a
21 telecommunications provider;

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

23 (3) subject a telecommunications provider to
24 unreasonable prejudice or disadvantage.

1 SECTION 2. Sections 56.023, Utilities Code, is amended by
2 amending Subsection (a) and adding Subsection (t) to read as
3 follows:

4 (a) The commission shall:

5 (1) in a manner that assures reasonable rates for
6 basic local telecommunications service, adopt eligibility criteria
7 and review procedures, including a method for administrative
8 review, the commission finds necessary to ensure that ~~[fund]~~ the
9 universal service fund and the programs established under this
10 chapter are fully funded and to make distributions from that fund;

11 (2) determine which telecommunications providers meet
12 the eligibility criteria;

13 (3) determine the amount of and approve a procedure
14 for reimbursement to telecommunications providers of revenue lost
15 in providing tel-assistance service ~~[under Subchapter 6]~~;

16 (4) establish and collect fees from the universal
17 service fund necessary to recover the costs the department and the
18 commission incur in administering this chapter and Chapter 57;

19 (5) approve procedures for the collection and
20 disbursement of the revenue of the universal service fund; and

21 (6) audit voucher payments and other expenditures made
22 under the specialized telecommunications assistance program
23 established under Subchapter E.

24 (t) In administering the universal service fund, the
25 commission may not prioritize providing support from the fund for a
26 program described by this chapter over providing support for
27 another program described by this chapter.

1 SECTION 3. The Public Utility Commission of Texas shall
2 conduct a rulemaking to review the basis of the assessment for
3 funding of the universal service fund and to evaluate the merits of
4 adopting a connections-based assessment model. The Public Utility
5 Commission of Texas shall conclude the rulemaking no later than
6 March 31, 2024.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2023.