

By: Goodman

H.B. No. 1658

A BILL TO BE ENTITLED

AN ACT

1
2 relating to regulation of high-speed Internet access and broadband
3 services.

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

5 SECTION 1. Subchapter A, Chapter 60, Utilities Code, is
6 amended by adding Section 60.0015 to read as follows:

7 Sec. 60.0015. HIGH-SPEED INTERNET ACCESS AND BROADBAND
8 SERVICES. (a) In this section, "high-speed Internet access
9 service or broadband service" means a service that has the capacity
10 to provide either upstream, from customer to provider, or
11 downstream, from provider to customer, transmission to or from the
12 Internet, or data transmission, at speeds of more than 144 kilobits
13 per second, regardless of the technology or medium used to provide
14 that service, including wireless, copper wire, fiber optic cable,
15 or coaxial cable.

16 (b) Notwithstanding any other provision of this title, the
17 commission may not require the unbundling of a network element used
18 in the provision of high-speed Internet access service or broadband
19 service, the resale at a discount of a high-speed Internet access
20 service or broadband service, or any other obligation prescribed by
21 47 U.S.C. Section 251(c), as amended, as that obligation relates to
22 the provision of high-speed Internet access service or broadband
23 service, unless the Federal Communications Commission specifically
24 authorizes state regulatory agencies to impose such a requirement.

1 (c) This section does not affect:
2 (1) an unbundling, resell, or other requirement
3 prescribed by the commission before January 1, 2003; or
4 (2) the authority of the commission to regulate voice
5 telecommunications services.

6 SECTION 2. This Act takes effect September 1, 2003.