

By: Armbrister

S.B. No. 377

A BILL TO BE ENTITLED

AN ACT

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

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

5 SECTION 1. Section 60.001, Utilities Code, is amended to
6 read as follows:

7 Sec. 60.001. FAIR COMPETITION. (a) To the extent
8 necessary to ensure that competition in telecommunications is fair
9 to each participant and to accelerate the improvement of
10 telecommunications in this state, the commission shall ensure that
11 the rates and rules of an incumbent local exchange company:

12 (1) are not unreasonably preferential, prejudicial,
13 or discriminatory; and

14 (2) are applied equitably and consistently.

15 (b) Notwithstanding any other provision in this title, and
16 except to the extent specifically required under Federal
17 Communications Commission regulations, the commission may not
18 impose any regulation or obligation on a provider of high-speed
19 Internet access service or broadband service in the provider's
20 provision of such service, regardless of the technology or medium
21 used to provide such service. Nothing in this subsection shall be
22 construed to deprive the commission of authority over voice-grade
23 basic local telecommunications services provided to end-user
24 customers.

1 (c) In this section, "high-speed Internet access service"
2 or "broadband service" means those services and underlying
3 facilities that provide upstream, from customer to provider, or
4 downstream, from provider to customer, transmission to or from the
5 Internet or have the capability to transmit data in excess of 144
6 kilobits per second, regardless of the technology or medium used,
7 including wireless, copper wire, fiber optic cable, or coaxial
8 cable, to provide such service.

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