

Amend **CSHB 789** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Subchapter A, Chapter 64, Utilities Code, is amended by adding Section 64.005 to read as follows:

Sec. 64.005. NOTICE REGARDING ACCESS TO EMERGENCY SERVICES.

(a) As used in this section:

(1) The term "VoIP service" means voice communications to residential or business customers over a broadband network using Internet Protocol;

(2) The term "VoIP provider" means an entity that offers VoIP service for a fee;

(3) The term "E911" refers to the system for processing emergency calls as defined in Texas Health & Safety Code 772.001, as may be subsequently amended.

(b) A VoIP provider may not enter into a contract to provide VoIP service unless the entity provides clear and conspicuous notice to customers disclosing whether or not the service provides access to E911,

(c) A VoIP provider which does not provide access to E911 or which requires a customer to take steps to activate access to E911 may not enter into a contract to provide VoIP service unless the VoIP provider provides clear and conspicuous notice of the following:

(1) the specific steps the customer must take to activate that service; and

(2) an explanation of all material differences between E911 service and the provider's system for accessing emergency services.

(d) The notice required by subsection (c) must:

(1) be a separate document, and

(2) conspicuously state that, the customer acknowledges that the customer will not be able to use the service to access E911, or that the customer must separately activate access to that service in order to receive it.

(e) At least annually, a VoIP provider shall send to each customer to whom it provides VoIP service a notice that includes the information required by Subsection (c). The entity shall provide

the notice as a separate document.

(f) Except as specifically preempted by federal law, the commission has all jurisdiction necessary to enforce this section. In addition, a violation of this chapter is a false, misleading, or deceptive act or practice and is actionable by the Attorney General under Subchapter E, Chapter 17, Business and Commerce Code.

(b) This section applies to a contract entered into or renewed on or after the effective date of this section. A contract entered into or renewed before that date is governed by the law in effect on the date the contract was entered into or renewed, and that law is continued in effect for that purpose.

(c) This section does not affect litigation pending on the effective date of this section.