

By: Carona

S.B. No. 1588

A BILL TO BE ENTITLED

AN ACT

relating to limited regulation for new or emerging technologies provided by certain telecommunications providers.

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

SECTION 1. Subchapter A, Chapter 55, Utilities Code, is amended by adding Section 55.0145 as follows:

Sec. 55.0145. LIMITED REGULATION OF NEW OR EMERGING TECHNOLOGIES. (a) The commission shall not exercise jurisdiction over:

(1) advanced services, except as provided by Section 55.014;

(2) broadband service, as defined by the Federal Communications Commission; or

(3) any service not commercially available on February 8, 1996.

(b) The commission shall not exercise jurisdiction over information services, as defined in 47 U.S.C. Section 153(20), or Internet Protocol enabled services, as defined by the Federal Communications Commission, except:

(1) as may be reasonably necessary to provide for access to emergency services, including access to 911 and enhanced 911; and

(2) for purposes of determining the rights and obligations of any telecommunications provider concerning the

1 payment of switched network access rates or other compensation for
2 use of another provider's facilities or services. The commission
3 shall not impose requirements under this subsection that exceed
4 those imposed by, or that are otherwise inconsistent with, federal
5 law, including federal regulations.

6 SECTION 2. Chapter 62, Utilities Code, is repealed.

7 SECTION 3. This Act takes effect September 1, 2005.