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H.B. No. 232

A BILL TO BE ENTITLED

1 AN ACT

2 relating to grants for community-based telephone voice-mail
3 services for individuals in crisis or in transition and to the rate
4 and uses of the universal service fund fee.

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

6 SECTION 1. Section 56.021, Utilities Code, is amended to
7 read as follows:

8 Sec. 56.021. UNIVERSAL SERVICE FUND ESTABLISHED. The
9 commission shall adopt and enforce rules requiring local exchange
10 companies to establish a universal service fund to:

11 (1) assist telecommunications providers in providing
12 basic local telecommunications service at reasonable rates in high
13 cost rural areas;

14 (2) reimburse the telecommunications carrier that
15 provides the statewide telecommunications relay access service
16 under Subchapter D;

17 (3) finance the specialized telecommunications
18 assistance program established under Subchapter E;

19 (4) reimburse the department, the Texas Commission for
20 the Deaf and Hard of Hearing, and the commission for costs incurred
21 in implementing this chapter and Chapter 57;

22 (5) reimburse a telecommunications carrier providing
23 lifeline service as provided by 47 C.F.R. Part 54, Subpart E, as
24 amended;

1 (6) finance the implementation and administration of
2 an integrated eligibility process created under Section 17.007 for
3 customer service discounts relating to telecommunications
4 services, including outreach expenses the commission determines
5 are reasonable and necessary;

6 (7) reimburse a designated provider under Subchapter
7 F;

8 (8) reimburse a successor utility under Subchapter G;
9 ~~[and]~~

10 (9) finance the program established under Subchapter
11 H;

12 (10) fund grants under the program established under
13 Subchapter I; and

14 (11) maintain services for all consumers at reasonable
15 costs by assessing a fee that is no more than 3.4 percent of taxable
16 communications receipts.

17 SECTION 2. Section 56.022, Utilities Code, is amended to
18 read as follows:

19 Sec. 56.022. UNIFORM CHARGE. (a) The universal service
20 fund is funded by a statewide uniform charge payable by each
21 telecommunications provider that has access to the customer base.

22 (b) A telecommunications provider shall pay the charge in
23 accordance with procedures approved by the commission.

24 (c) The uniform charge is on services and at rates the
25 commission determines. In establishing the charge and the services
26 to which the charge will apply, the commission may not:

27 (1) grant an unreasonable preference or advantage to a

1 telecommunications provider;

2 (2) assess the charge on pay telephone service; [~~or~~]

3 (3) subject a telecommunications provider to
4 unreasonable prejudice or disadvantage; or

5 (4) assess a fee for the purposes of Section 56.021 or
6 Subchapter I of this chapter that is in excess of 3.4 percent of
7 taxable communications receipts.

8 SECTION 3. Chapter 56, Utilities Code, is amended by adding
9 Subchapter I to read as follows:

10 SUBCHAPTER I. TELEPHONE VOICE-MAIL GRANT PROGRAM

11 Sec. 56.351. TELEPHONE VOICE-MAIL-BOX ASSISTANCE GRANTS.

12 (a) The commission by rule shall establish and implement a
13 commission program to provide from the universal service fund
14 funding for a grant program to assist the service administrators of
15 telephone voice-mail-box services for individuals who are
16 homeless, are in transition, or cannot afford telephone services.
17 The grant program may not fully fund a voice-mail-box service
18 program. To be eligible for a grant under the program, the service
19 administrator must be:

20 (1) a publicly funded nonprofit organization; or

21 (2) an organization exempt from federal income tax
22 under Section 501(a), Internal Revenue Code of 1986, by being
23 listed as exempt under Section 501(c)(3) of that code.

24 (b) Rules adopted under this section must:

25 (1) include accountability measures and provisions
26 for loss of eligibility for failure to comply with the measures;

27 (2) require grant recipients to provide the commission

1 with information on program outcomes; and

2 (3) limit the grant program in accordance with Section
3 56.022(c)(4) of this chapter.

4 SECTION 4. This Act takes effect September 1, 2009.