

By: Geren

H.B. No. 2874

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of Voice over Internet Protocol service.

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

SECTION 1. Section 51.002, Utilities Code, is amended by adding Subdivisions (3-a) and (13) to read as follows:

(3-a) "Internet Protocol enabled service" means a service, capability, functionality, or application that uses Internet Protocol or a successor protocol to allow an end user to send or receive a data, video, or voice communication in Internet Protocol or a successor protocol.

(13) "Voice over Internet Protocol service" means a service that:

(A) uses Internet Protocol or a successor protocol to enable a real-time, two-way voice communication that originates from or terminates to the user's location in Internet Protocol or a successor protocol;

(B) requires the use of a broadband connection from the user's location; and

(C) permits a user generally to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.

SECTION 2. Section 52.002, Utilities Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Notwithstanding any other law, a department, agency, or

political subdivision of this state may not by rule, order, or other means directly or indirectly regulate rates charged for, service or contract terms for, conditions for, or requirements for entry into the market for Voice over Internet Protocol services or other Internet Protocol enabled services. This subsection does not:

(1) affect payment of rights-of-way fees applicable to Voice over Internet Protocol services under Chapter 283, Local Government Code;

(2) affect any person's obligation to provide video service, as defined by Section 66.002, under any applicable state or federal law; or

(3) require or prohibit assessment of enhanced 9-1-1, relay access service, or universal service fund fees on Voice over Internet Protocol service.

(d) Payment of switched access rates or other intercarrier compensation rates, as applicable, with respect to Voice over Internet Protocol services or other Internet Protocol enabled services, shall be as determined through commercial agreements or by the Federal Communications Commission.

SECTION 3. This Act takes effect September 1, 2011.