

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 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) The commission may not require a telecommunications

1 utility that is not a public utility, including a deregulated or
2 transitioning company, to comply with a requirement or standard
3 that is more burdensome than a requirement or standard the
4 commission imposes on a public utility.

5 (d) Notwithstanding any other law, a department, agency, or
6 political subdivision of this state may not by rule, order, or other
7 means directly or indirectly regulate rates charged for, service or
8 contract terms for, conditions for, or requirements for entry into
9 the market for Voice over Internet Protocol services or other
10 Internet Protocol enabled services. This subsection does not:

11 (1) affect requirements pertaining to use of a
12 right-of-way or payment of right-of-way fees applicable to Voice
13 over Internet Protocol services under Chapter 283, Local Government
14 Code;

15 (2) affect any person's obligation to provide video or
16 cable service, as defined under applicable state or federal law;

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

20 (4) affect any entity's obligations under Sections 251
21 and 252, Communications Act of 1934 (47 U.S.C. Sections 251 and
22 252), or a right granted to an entity by those sections;

23 (5) affect any applicable wholesale tariff;

24 (6) grant, modify, or affect the authority of the
25 commission to implement, carry out, or enforce the rights or
26 obligations provided by Sections 251 and 252, Communications Act of
27 1934 (47 U.S.C. Sections 251 and 252), or of an applicable wholesale

1 tariff through arbitration proceedings or other available
2 mechanisms and procedures;

3 (7) require or prohibit payment of switched network
4 access rates or other intercarrier compensation rates, as
5 applicable;

6 (8) limit any commission authority over the subjects
7 listed in Subdivisions (1)-(7) or grant the commission any
8 authority over those subjects; or

9 (9) affect the assessment or collection of a tax or fee
10 over which the comptroller has authority.

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