

By: Thompson of Brazoria

H.B. No. 2650

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Public Utility Commission of Texas
3 to regulate any entity that holds itself out as a telephone service
4 provider.

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

6 SECTION 1. Sections 52.002(a) and (d), Utilities Code, are
7 amended to read as follows:

8 Sec. 52.002. AUTHORITY TO REGULATE. (a) To carry out the
9 public policy stated by Section 52.001 and to regulate rates,
10 operations, and services so that the rates are just, fair, and
11 reasonable and the services are adequate and efficient, the
12 commission has exclusive original jurisdiction over the business
13 and property of a telecommunications utility, a Voice over Internet
14 Protocol service provider, and any other entity, service, or
15 provider to the extent that the provider holds itself out to the
16 public as a provider of telephone service in this state subject to
17 the limitations imposed by this title.

18 (d) Notwithstanding any other law, a department, agency, or
19 political subdivision of this state other than the commission may
20 not by rule, order, or other means directly or indirectly regulate
21 rates charged for, service or contract terms for, conditions for,
22 or requirements for entry into the market for Voice over Internet
23 Protocol services or other Internet Protocol enabled
24 services. This subsection does not:

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

5 (2) affect any person's obligation to provide video or
6 cable service, as defined under applicable state or federal law,
7 the applicability of Chapter 66, or a requirement to make a payment
8 under Chapter 66;

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

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

15 (5) affect any applicable wholesale tariff;

16 (6) grant, modify, or affect the authority of the
17 commission to implement, carry out, or enforce the rights or
18 obligations provided by Sections 251 and 252, Communications Act of
19 1934 (47 U.S.C. Sections 251 and 252), or of an applicable wholesale
20 tariff through arbitration proceedings or other available
21 mechanisms and procedures;

22 (7) require or prohibit payment of switched network
23 access rates or other intercarrier compensation rates, as
24 applicable;

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

1 (9) affect the assessment, administration,
2 collection, or enforcement of any tax or fee over which the
3 comptroller has authority.

4 SECTION 2. This Act takes effect September 1, 2015.