By:  Smithee H.B. No. 2667

A BILL TO BE ENTITLED

AN ACT

relating to the definition of telecommunications providers and the Texas Universal Service Fund, authorizing an assessment.

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

SECTION 1.  Section 51.002 (10), Utilities Code, is amended to read as follows:

(10)  "Telecommunications provider";

(A)  means:

(i)  a certificated telecommunications utility;

(ii)  a shared tenant service provider;

(iii)  a nondominant carrier of telecommunications services;

(iv)  a provider of commercial mobile service as defined by Section 332(d), Communications Act of 1934 (47 U.S.C. Section 151 et seq.), Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66), except that the term does not include these entities for the purposes of Chapter 17, 55, or 64;

(v)  a telecommunications entity that provides central office based PBX-type sharing or resale arrangements;

(vi)  an interexchange telecommunications carrier;

(vii)  a specialized common carrier;

(viii)  a reseller of communications;

(ix)  a provider of operator services;

(x)  a provider of customer-owned pay telephone service;

(xi)  a provider of Voice over Internet Protocol service; or

[~~(xi)~~](xii)  a person or entity determined by the commission to provide telecommunications services to customers in this state; and

(B)  does not mean;

(i)  a provider of enhanced or information services, or another user of telecommunications services, who does not also provided telecommunications services; or

(ii)  a state agency or institution of higher education, or a service provided by a state agency or state institution of higher education.

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

Sec. 56.022.  UNIFORM CHARGE.

(a)  The universal service fund is funded by a statewide uniform charge payable by each telecommunication provider that has access to the customer base.

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

(c)  The uniform charge is on services and at rates the commission determines and may be in the form of a fee or an assessment on revenues. In establishing the charge and the services to which the charge will apply, the commission may not:

(1)  grant an unreasonable preference or advantage to a telecommunications provider;

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

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

(4)  assess the charge in a manner that is not technology neutral or grants an unreasonable preference based on technology.

SECTION 3.  SECTION 1. Section 56.001, Utilities Code, is amended to read as follows:

Sec. 56.001.  DEFINITIONS. In this chapter:

(1)  "Department" means the Department of Assistive and Rehabilitative Services.

(2)  "Designated provider" means a telecommunications provider designated by the commission to provide services to an uncertificated area under Subchapter F.

(2-a)  "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3)  "High cost rural area" as used in Sec. 56.021(1) means:

(A)  any area served by a "Small provider" as defined by Sec. 56.032(a)(2); and

(B)  any exchange receiving support under the plans identified in Sec 56.021(1) as of December 31, 2020 where:

(i)  the population has not since increased by more than 100% since the year 2000; and

(ii)  there are less than 30 customers per route mile of plant in service.

SECTION 3.  This Act takes immediate effect if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary to take effect on that date, this Act takes effect on September 1, 2021.