

By: Guillen

H.B. No. 5098

A BILL TO BE ENTITLED

AN ACT

relating to the authority to regulate Voice over Internet Protocol services by the Public Utility Commission of Texas.

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

SECTION 1. Section 52.002(d), Utilities Code, is amended to read as follows:

(d) 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 requirements pertaining to use of a right-of-way or payment of right-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 or cable service, as defined under applicable state or federal law, the applicability of Chapter 66, or a requirement to make a payment under Chapter 66;

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

(4) affect any entity's obligations under Sections 251

1 and 252, Communications Act of 1934 (47 U.S.C. Sections 251 and
2 252), or a right granted to an entity by those sections;

3 (5) affect any applicable wholesale tariff;

4 (6) grant, modify, or affect the authority of the
5 commission to implement, carry out, or enforce the rights or
6 obligations provided by Sections 251 and 252, Communications Act of
7 1934 (47 U.S.C. Sections 251 and 252), or of an applicable wholesale
8 tariff through arbitration proceedings or other available
9 mechanisms and procedures;

10 (7) require or prohibit payment of switched network
11 access rates or other intercarrier compensation rates, as
12 applicable;

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

16 (9) affect the assessment, administration,
17 collection, or enforcement of any tax or fee over which the
18 comptroller has authority; or

19 (10) limit any commission authority over the grant of
20 any certificate to a Voice over Internet Protocol provider under
21 Subchapter D, Chapter 54.

22 SECTION 2. Section 54.154(a), Utilities Code, is amended to
23 read as follows:

24 (a) The commission may grant a certificate to encourage an
25 innovative, competitive, and entrepreneurial business to provide
26 telecommunications or Voice over Internet Protocol services.

27 SECTION 3. Section 54.155, Utilities Code, is amended by

1 adding Subsection (c) to read as follows:

2 (c) A certificate granted under this section to a Voice over
3 Internet Protocol provider may not be construed to expand the
4 authority or jurisdiction of the commission over Voice over
5 Internet Protocol service.

6 SECTION 4. This Act takes effect September 1, 2023.