

1-1 By: Schwertner S.B. No. 2399
 1-2 (In the Senate - Filed March 10, 2023; March 23, 2023, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 6, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 11, Nays 0; April 6, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 2399 By: Schwertner

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the authority of the Public Utility Commission of Texas
 1-24 to regulate Voice over Internet Protocol services.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 52.002(d), Utilities Code, is amended to
 1-27 read as follows:

1-28 (d) Notwithstanding any other law, a department, agency, or
 1-29 political subdivision of this state may not by rule, order, or other
 1-30 means directly or indirectly regulate rates charged for, service or
 1-31 contract terms for, conditions for, or requirements for entry into
 1-32 the market for Voice over Internet Protocol services or other
 1-33 Internet Protocol enabled services. This subsection does not:

1-34 (1) affect requirements pertaining to use of a
 1-35 right-of-way or payment of right-of-way fees applicable to Voice
 1-36 over Internet Protocol services under Chapter 283, Local Government
 1-37 Code;

1-38 (2) affect any person's obligation to provide video or
 1-39 cable service, as defined under applicable state or federal law,
 1-40 the applicability of Chapter 66, or a requirement to make a payment
 1-41 under Chapter 66;

1-42 (3) require or prohibit assessment of enhanced 9-1-1,
 1-43 relay access service, or universal service fund fees on Voice over
 1-44 Internet Protocol service;

1-45 (4) affect any entity's obligations under Sections 251
 1-46 and 252, Communications Act of 1934 (47 U.S.C. Sections 251 and
 1-47 252), or a right granted to an entity by those sections;

1-48 (5) affect any applicable wholesale tariff;

1-49 (6) grant, modify, or affect the authority of the
 1-50 commission to implement, carry out, or enforce the rights or
 1-51 obligations provided by Sections 251 and 252, Communications Act of
 1-52 1934 (47 U.S.C. Sections 251 and 252), or of an applicable wholesale
 1-53 tariff through arbitration proceedings or other available
 1-54 mechanisms and procedures;

1-55 (7) require or prohibit payment of switched network
 1-56 access rates or other intercarrier compensation rates, as
 1-57 applicable;

1-58 (8) limit any commission authority over the subjects
 1-59 listed in Subdivisions (1)-(7) or grant the commission any
 1-60 authority over those subjects; [~~or~~]

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

2-4 (10) limit any commission authority over the grant of
2-5 any certificate to a Voice over Internet Protocol provider under
2-6 Subchapter C or D, Chapter 54.

2-7 SECTION 2. Section 54.154(a), Utilities Code, is amended to
2-8 read as follows:

2-9 (a) The commission may grant a certificate to encourage an
2-10 innovative, competitive, and entrepreneurial business to provide
2-11 telecommunications or Voice over Internet Protocol services.

2-12 SECTION 3. Section 54.155, Utilities Code, is amended by
2-13 adding Subsection (c) to read as follows:

2-14 (c) A certificate granted under this section to a Voice over
2-15 Internet Protocol provider may not be construed to expand the
2-16 authority or jurisdiction of the commission over Voice over
2-17 Internet Protocol service.

2-18 SECTION 4. This Act takes effect September 1, 2023.

2-19 * * * * *