

Approved: 4-5-96
Date

MINUTES OF THE HOUSE SELECT COMMITTEE ON TELECOMMUNICATIONS.

The meeting was called to order by Chairperson Doug Lawrence at 1:35 p.m. on March 6, 1996 in Room 254-E of the Capitol.

All members were present except: Representative Greg Packer - excused

Committee staff present: Lynne Holt, Legislative Research Department
Bob Nugent, Revisor of Statutes
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairman Doug Lawrence called the meeting to order at 1:35 p.m. He began the meeting by opening discussion on **SCR 1618**, which is a concurrent resolution urging adoption of the telecommunications vision statement developed by the telecommunications strategic planning committee. The committee was asked if they would like to focus on a statutory approach in creating a telecommunications bill or would they like to build a resolution that would ask the commission to do something. Several of the members agreed they would prefer a bill rather than a resolution. He suggested that the committee wait to do anything with **SCR 1618** for the time being and that he thinks it would be important to adopt a vision statement. He feels there is some value in having it in the total package of legislation. There is always the option of passing a resolution.

The Chairman announced there is not a push to have the language in place for the bill completed by the end of the week, it could be as late as Monday or Tuesday of next week. He wants plenty of time allowed for everyone to see it and voice their opinions.

The Chairman called on Representative Carl Holmes, chairman of the Subcommittee on the Select Committee on Telecommunications, to present the subcommittee report. A copy of the report that was drafted by the Subcommittee was distributed to committee members and people in the audience. (See Attachment 1) Rep. Holmes went over the report, which is in two sections, New Section 15 relates to the Internet, New Section 16 relates to Slamming. He went over both sections and defined each paragraph in each section, answering questions raised by the committee. After discussion the Chairman asked if the committee would like to adopt the language subject to the amendment of the Internet, in New Section 15, to be put into the telecommunications balloon. Rep. Holmes made a motion it be adopted, Rep. McClure seconded, motion passed. Rep. Holmes make a motion to adopt the language on Slamming, in New Section 16, Rep. McClure seconded, motion passed. The Chairman pointed out there may be some technical changes made to conform with the bill, from the stand point of definitions.

The minutes from the meetings of February 5, 6, 7 and 8 had been distributed and were approved.

The meeting adjourned at 2:25 p.m.

The next meeting is scheduled for March 7, 1996.

HOUSE SELECT COMMITTEE ON
TELECOMMUNICATIONS COMMITTEE GUEST LIST

DATE: 3-6-96

NAME	REPRESENTING
Melanie Fanning	SWBT
Bill Dravel	SWBT
Jan Krub	AARP
ANDY SCHARF	DOJ A-DISC
Mussen Cross	KIWI, L.C.
Bill Sneed	SWBELL
Rebecca Rin	KCTA
Ann Hennings	KASB
Juli Hein	Classic Communications
Ron Hein	Classic Communications
McClammuneaux	CLASSIC COMMUNICATIONS
Nelson Krueger	Kansas City FiberNet
George Barbee	RTMC
Doug Smith	SITA
John Piregan	SITA
Rob Helges	KTTA
CARL KREHBIEL	MOUND RIDGE TELEPHONE CO.
Jess GAILEY	TOTAH TELE CO INC
JIM DAHMEN	Columbus Telephone Co

Melissa Wangemann

Hein Ebert & Weir

2 New Section 15. (a) As used in this section, "internet"
3 means the international computer network of both federal and
4 non-federal interoperable packet switched data networks.

5 (b) The commission shall permit all local exchange carriers
6 and long distance carriers to provide residential customers,
7 educational institutions and public libraries in areas of the
8 state that do not have toll-free access to the Kansas City,
9 Wichita or Topeka metropolitan areas, dial-up access to one
10 internet provider within the calling customer's LATA for a flat
11 monthly fee. The dial-up access provided pursuant to this
12 section shall support at least 28.8 kilobit per-second service to
13 all public libraries, public education institutions including
14 unified school districts, area vocational schools, area
15 vocational-technical schools, community colleges, the municipal
16 university, and state educational institutions, private,
17 nonprofit elementary and secondary schools and accredited,
18 independent institutions of higher education requesting service
19 after July 1, 1999. The dial-up access provided to all other
20 customers shall support at least 14.4 kilobit per-second service
21 to all customers requesting service after July 1, 1999.

22 (c) Customers requesting service pursuant to the act may
23 request either off peak or 24-hour service. (1) For off-peak
24 users, the flat monthly fee shall apply to access between the
25 hours of 5 p.m. and 7:59 a.m. weekdays and all hours on weekends
26 and federal holidays. The flat monthly fee shall not exceed \$15
27 per-line per-month. (2) For unlimited use users, the flat
28 monthly fee shall apply 24 hours a day. The flat monthly fee for
29 unlimited use shall not exceed \$30 per-line per-month.

30 (d) Additional dial-up access to internet providers within
31 the calling customer's LATA may be added for an additional flat
32 fee as described in subsection (c).

33 (e) The retail prices established in this section shall
34 apply notwithstanding the prices telecommunications service
35 providers charge, with the approval of the state corporation
36 commission or otherwise, for wholesale telecommunications
37 services that may be used to provide similar services.

*House self-comm. Telecomm.
3-6-1996
Attachment 1*

1 (f) Telecommunications service providers providing dial-up
2 access services pursuant to this section shall not be required to
3 permit resale of those services to other classes of customers, to
4 allow customers to use the services for other purposes, or to
5 allow the aggregation of usage by authorized customers.

6 (g) All internet providers doing business in the state shall
7 register with the state corporation commission. Such
8 registration shall include the internet provider's name, address,
9 and access line numbers. The state corporation commission shall
10 ensure that the registration is updated on a regular basis.

11 (h) During the 1999 session of the Kansas legislature, the
12 state corporation commission shall transmit a report to the
13 chairperson, vice-chairperson and ranking minority member of the
14 house standing committee on energy and natural resources, the
15 senate standing committee on transportation and utilities and the
16 joint committee on computers and telecommunications concerning
17 implementation of this act. The report shall include
18 recommendations for revisions in this act necessitated by
19 technological innovation or market changes in the
20 telecommunications industry. The report may also include an
21 expiration date for this section.

22 New Section 16. (a) No telephone or telecommunications
23 company shall honor a request by any person other than its
24 customer to change the provider of intrastate long distance or
25 local exchange service to such customer in the state, except: (1)
26 Where the request is placed by a local or long distance company
27 that has received a letter of agency containing clear and
28 conspicuous disclosure of such change signed by the customer
29 authorizing the change; (2) where the customer affected by the
30 change initiated the contact with the local or long distance
31 company in order to request the change; (3) where the customer
32 affected by the change calls a toll-free number to confirm the
33 request for change made in response to a contact initiated by the
34 local exchange or long distance carrier requesting the change; or
35 (4) where the commission otherwise expressly authorizes.

36 (b) The requisite documentation at a minimum shall identify

1 a single designated carrier, shall be separate or severable from
2 any sweepstakes, contest or similar promotional program, shall
3 contain the telephone number of the account, and shall be signed
4 by the customer responsible for paying charges on the account. In
5 the event that a telephone or telecommunications company changes
6 the primary carrier for any customer based upon representations
7 that the change was authorized by the customer in writing or by a
8 customer initiated contact, which is later disputed by the
9 customer who seeks to be switched back to its original carrier
10 and is not verified by the company requesting the change, the
11 interstate long distance, intrastate long distance or local
12 exchange company requesting the change shall be liable to the
13 customer for any amount collected from the customer in excess of
14 what the prior provider would have charged, shall be liable to
15 the telephone or telecommunications company for the costs of
16 making and reversing the change, shall be liable for fine not
17 less than \$250 per occurrence and shall be liable for any other
18 fines, penalties or damages provided by law.