

Approved: March 18, 2010  
Date

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on March 10, 2010, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Kristen Kellems, Office of the Revisor of Statutes  
Matt Sterling, Office of the Revisor of Statutes  
Raney Gilliland, Kansas Legislative Research Department  
Cindy Lash, Kansas Legislative Research Department  
Ann McMorris, Committee Assistant  
Jeannine Wallace, Sen. Apple's Office Assistant

Conferees appearing before the Committee:

Others attending: See attached list.

Committee continued discussion of KCC report of February 1, 2010 on price deregulation..

Chair opened for discussion on

**SB 384 - Modifying requirements for telecommunications carriers and allowing local exchange carriers to elect to be regulated as telecommunications carriers.**

Kristen Kellems, Revisor's Office, distributed a Briefing on **SB 384 - Balloon**. (Attachment 1)

Dan Jacobsen, President, AT&T Kansas, provided a balloon of **SB 384** containing amendments suggested by AT&T. Considerable discussion on the proposed changes and their purpose. (Attachment 2)

The next meeting is scheduled for March 11, 2010.

The meeting was adjourned at 2:30 p.m.

Respectfully yours,

Ann McMorris  
Committee Assistant

Attachments - 2

**SENATE UTILITIES  
COMMITTEE GUEST LIST  
MARCH 10, 2010**

NAME	REPRESENTING
Dina Funk	Verizon & Duress
Shirley Allen	KRTC
JUDITH GARD	CENTURY LINK
Jim Gaultner	AT&T
MICHAEL	AT&T
Oleander	Cox
Dan Murray	Federico
TOM DAY	KCC
DON LAW	KCC
CHRISTINE AARNES	KCC
Bruce Ney	AT&T
SEAN MILLER	CAPITAL STRATEGIES
Patrick Fucile	Sprint
Mike Reed et	Sprint

Briefing on Senate Bill 384 - Balloon

Before the Senate Utilities Committee

March 10, 2010

Christine Aarnes, Senior Managing Telecom Analyst  
On behalf of the Kansas Corporation Commission

Chairman Apple and members of the Senate Utilities Committee:

Thank you for the opportunity to discuss the recently revised Senate Bill 384. I have attempted to review each section of the proposed bill, provide a brief background, and delineate identifiable benefits and possible issues associated with each provision.

**Current Statute**

Since July 1, 2006, a carrier electing price cap regulation has been able to request price deregulation of services pursuant to K.S.A. 66-2005(q). Pursuant to this statute, rates for all bundles of services were price deregulated, statewide, on July 1, 2006. At this same time, rates for residential and business services in exchanges with 75,000 or more access lines were also price deregulated.<sup>1</sup> For smaller exchanges, a price cap carrier would have to provide the Commission with evidence that there are two carriers unaffiliated with the price cap carriers that are providing service to customers. One of the carriers identified in support of such application is required to be a facilities-based carrier and only one identified carrier can be a provider of wireless service. Only AT&T has petitioned for price deregulation under these statutory provisions. To date, fifty-five exchanges have been deemed price deregulated pursuant to the statute.

**Proposed Legislation**

The legislation proposed in SB 384 would allow a price cap regulated company to be designated an "electing carrier", upon providing a verified statement that the majority of its lines are already price deregulated. An electing carrier shall be subject to no more regulation by the Commission than the Commission applies to other telecommunications carriers (i.e., competitive local exchange carriers and long distance providers) operating in the state, except the electing carrier shall remain subject to: 1) the price cap provisions of K.S.A. 66-2005(f)(g)(h)(i)(j) and (k), in any exchanges not price deregulated pursuant to K.S.A. 66-2005(q) until such exchange is price deregulated pursuant to the statute; 2) minimum quality of service standards in the state; however, the Commission may not resume price regulation for failing to meet such standards; 3)

<sup>1</sup> The exchanges in Kansas with 75,000 or more access lines are the Kansas City, Topeka and Wichita exchanges, all served by AT&T.

its resale, interconnection and unbundling obligations (K.S.A. 66-2003); 4) the requirement to provide uniform prices throughout each exchange for services subject to price deregulation (K.S.A. 66-2005(q)(1)(G)); 5) the requirements of the Kansas Lifeline Services Program (K.S.A. 66-2006); 6) the requirements of the Kansas Universal Service Fund (K.S.A. 66-2008); and, 7) Commission regulation of the rates, pricing, terms and conditions of intrastate switched or special access service and the applicability of such access service to intrastate interexchange traffic. In addition, an electing carrier would no longer be obligated to provide a special toll rate for dial-up internet service (K.S.A. 66-2011). The proposed legislation further eliminates the filing of tariffs and individual case basis (ICB) contracts with the Commission for all telecommunications carriers.

### **Tariffs & ICB Contracts**

K.S.A. 66-2005(w)(2) and (3) – Under the proposal, telecommunications carriers shall not be required to file retail individual case basis contracts with the Commission. In addition, no telecommunications carrier shall file any tariff with the Commission after January 1, 2012, but shall make information on terms and conditions of service available either on the company's website or at company locations that are accessible to the public.

#### **1. Background Information on Detariffing**

The Federal Communications Commission (FCC) ordered detariffing to begin July 31, 2001 for interstate long distance companies. The FCC indicated its actions would foster increased competition in the market for interstate, domestic, interexchange services by deterring tacit price coordination. It would also establish market conditions that closely resemble an unregulated environment. That is, companies would be required to make their service and rate information available to their customers through agreements or contracts. This would eliminate a company invoking the filed-rate doctrine under which the tariff is the legally binding contract and governs rates and terms even if it is inconsistent with other information a company provides to its customers. The FCC found that elimination of the ability of a company to invoke the "filed-rate" doctrine is in the public interest.

The FCC indicated that rather than a tariff, the company must now have an agreement with the customer which would be subject to the same contract and consumer protection laws as any other agreement. Under the FCC's detariffing rules, long distance companies are also required to post a schedule of their rates, terms, and conditions on their website. Additionally, each company must keep copies of this schedule at a business place of its choosing. The FCC noted that state law would dictate what constitutes an agreement and what protections and remedies are available to a consumer. The FCC maintained jurisdiction over the companies and indicated that consumers could continue to file complaints about long distance companies.

#### **2. Identifiable Benefits**

Detariffing could be beneficial for both the carrier and the customer. The carrier will avoid the administrative expense associated with the filing of tariffs. The customer will now be able to rely on the terms of its contract with a carrier since the filed-rate doctrine will no longer be applicable. This will also assist with customer confusion over the extent of the Commission's ability to assist in rate complaints. Because rates for price deregulated services are currently

filed at the Commission, the public perception is that the Commission has some jurisdiction over those rates. If the rates are not filed with the Commission, it may be possible that the public will understand that the Commission does not have jurisdiction over such rates.

### **3. Possible Issues**

The Commission is to promulgate rules and regulations to implement the detariffing requirement by January 1, 2012. All of the following questions/concerns would need to be addressed in those rules and regulations.

- 1) How will telecommunications carriers demonstrate compliance with the K.S.A. Supp. 66-2005(w)(1) requirement to flow through access charge reductions to basic toll rates?
- 2) How will telecommunications carriers demonstrate that basic intrastate toll prices remain geographically averaged, as required by K.S.A. 66-2005(w)(1)?
- 3) Should companies provide informational price lists to the Commission for use by Staff in addressing complaints?

### **Quality of Service**

K.S.A. 66-2005(x)(B) – Under the proposal, an electing carrier would be subject to the quality of service standards for all local exchange carriers and telecommunications carriers in the state and the penalties for violation of such standards, as required by K.S.A. 66-2002, and amendments thereto, provided that the Commission may not resume price regulation if an electing carrier fails to meet such standards.

### **1. Background**

All facilities-based local wireline carriers are subject to quality of service standards. Thus, AT&T is treated in the same manner as traditional wireline competitive local exchange carriers and long distance carriers. Under current statute, the Commission may resume price cap regulation of a local exchange carrier deregulated under this statute, after a hearing that such carrier has violated the minimum quality of service standards, has been given reasonable notice, has had an opportunity to correct the violation and has failed to do so.

The Commission collects quality of service information from all facilities-based carriers for the following measures:

- Customer Trouble Reports per 100 lines. The benchmark is 6 or fewer.
- % Repeat Trouble Reports. The benchmark is less than 20%.
- Average Customer Repair Intervals. The benchmark is 30 hours or less.
- % of Appointments Met. The benchmark is 90% or greater.

In 2004, AT&T failed to meet the benchmark of Average Customer Repair Interval for four straight months. After the first two months of sub-standard performance, the company filed its corrective action plan but still did not meet the benchmark. Because the company missed the benchmark in 4 of 6 rolling months, it triggered a non-compliance condition and the company was assessed a penalty. Because the company missed the benchmark in 4 of 6 rolling months, it

triggered a non-compliance condition and the company was assessed a penalty. Because the Commission believed unusual weather conditions played a significant role in the non-compliance, the Commission determined to impose the minimum penalty of \$100 per occurrence. Each month of non-compliance was considered an "occurrence" and this resulted in a \$400 penalty. During the four months, the average customer repair interval ranged from 33 hours to 41 hours.

In 2005, AT&T failed to meet the benchmark for Average Customer Repair Interval for three months but these were not consecutive months. Therefore, no jeopardy or non-compliance condition was triggered.

In 2006, AT&T met all of the benchmarks for all measures.

In 2007, AT&T again failed to meet the benchmark for Average Customer Repair Interval for four consecutive months and an additional month. After the first two months of sub-standard performance, the company filed its corrective action plan but still did not meet the benchmark. Because the company missed the benchmark in 4 of 6 rolling months, it triggered a non-compliance condition. The Commission determined that it would not assess a penalty and required Staff to submit revised standards for consideration of "Acts of God" when determining whether to penalize a company. This change was adopted in 2008. During sub-standard performance months, the average customer repair interval ranged from 36 hours to 47 hours.

In 2008, AT&T missed the benchmark for Average Customer Repair Interval in three months, two of which were consecutive months and triggered a jeopardy condition. A corrective action plan was filed.

In 2009, AT&T missed the benchmark for Average Customer Repair Interval in two consecutive months, May and June, which triggered a jeopardy condition. A corrective action plan was filed. AT&T again missed the benchmark for Average Customer Repair Interval in August and September, which triggered another jeopardy condition. A second corrective action plan was filed.

Quality of service data for the first quarter of 2010 is to be filed by April 20, 2010.

No other carrier subject to the Commission's quality of service standards has triggered a jeopardy condition.

## **2. Identifiable Benefits**

None

## **3. Possible Issues**

Although an electing carrier would be required to continue to abide by the Commission's quality of service standards, the proposed language does not allow the Commission to re-regulate for failure to meet such standards. The Commission would be left with minimal enforcement ability if an electing carrier fails to meet the minimum quality of service standards. Pursuant to K.S.A. 66-138, the Commission is allowed to fine the carrier for non-compliance of not less than \$100

and not more than \$1,000 per occurrence.

A carrier could reduce its workforce in an effort to cut costs. It is possible that it could be more cost beneficial for a carrier to pay a penalty for not meeting the Commission's minimum quality of service standards than to maintain enough staff to meet the standards.

### **Internet Requirements in K.S.A. 66-2011**

K.S.A. 66-2005(w)(4) – Under the proposal, electing carriers shall be relieved of the dial-up internet requirements imposed in K.S.A. 66-2011.

#### **1. Background Information on K.S.A. 66-2011**

Upon complaints of inadequate access to dial-up internet plans, Commission staff shall request a seven-day traffic busy line study from the local exchange carrier serving the internet service provider. Commission staff shall analyze the study results to determine whether there is more than 5% access blockage and shall provide the analysis to the internet service provider for consideration and possible action. If the analysis indicates a need for additional capacity and the internet service provider fails to take a corrective action within 45 days after the analysis is provided to such provider by the Commission, the internet service provider shall be removed from the Commission's internet service provider registry and subscribers of such internet service subscriber shall be eligible for the plans provided in subsection (c) if there is no other local internet service provider serving the location. Subsection (c) requires non-rural local exchange carriers to provide two dial-up internet pricing plans with rates no higher than \$30 per month.

Commission staff has not received a request for a traffic study in the last five years. Thus, it is possible this provision may no longer be applicable for many consumers.

#### **2. Identifiable Benefits**

None.

#### **3. Possible Issues**

This provision may no longer be applicable for many consumers, as many consumers have access to broadband technology. Commission staff has not received any complaints about blockage. However, it may be reasonable to grandfather existing customers or require a gradual phase out of the service.

### **It appears that K.S.A. 66-2005(q)(1)(E) and (F) would not be applicable to electing carriers.**

K.S.A. 66-2005(x)(3) - Under the proposal, electing carriers shall not be subject to price regulation and shall be subject to nondiscriminatory regulation in the same manner as other telecommunications carriers in the state.

#### **1. Background Information on K.S.A. 66-2005(q)(1)(E) and (F)**

K.S.A. 66-2005(q)(1)(E) provides that Lifeline rates (rates for low-income consumers) shall remain subject to price cap regulation. K.S.A. 66-2005(q)(1)(F) provides that after July 1, 2008, the local exchange carrier shall be authorized to adjust its rates without Commission approval by

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not more than the percentage increase in the consumer price index (CPI) for all urban consumers in any one year period and such rates shall not be adjusted below the price floor established in subsection (k).

## **2. Identifiable Benefits**

None.

## **3. Possible Issues**

If K.S.A. 66-2005(q)(1)(E) is not applicable to electing carriers, rates for low-income customers would not be protected. An electing carrier could increase its rate for Lifeline customers without any Commission oversight. To further exacerbate the problem, low-income customers of competitive local exchange carriers that provide service to their customers via resale, could also receive a rate increase.

Finally, the “cap” that was introduced in 2008 in House Bill 2637 that limits the amount a price deregulated carrier could increase its prices, which is no more than the change in the CPI in any one year, would no longer be applicable. Thus, another consumer protection provision would be eliminated.

## **Other Issues**

In essence, Senate Bill 384 would allow a carrier that chooses to be an “electing carrier” not to be regulated as a local exchange carrier but as a telecommunications carrier, with the exceptions spelled out in the bill. There may be unidentified implications for this new hybrid category of telecommunications providers. So far, we have only noted one additional implication.

Local exchange carriers are required to file a more thorough annual report form with the Commission than that is required of competitive local exchange carriers and interexchange carriers. This bill would imply that an electing carrier could file the three page annual report form that is currently required to be filed by competitive local exchange carriers and interexchange carriers. It could be problematic obtaining necessary information from the electing carrier if the carrier is no longer required to provide such information in its annual report form.

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## SENATE BILL No. 384

By Committee on Utilities

1-15

9 AN ACT concerning telecommunications; modifying requirements for  
10 telecommunications carriers and local exchange carriers; amending  
11 K.S.A. 2009 Supp. 66-2005 and repealing the existing section.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2009 Supp. 66-2005 is hereby amended to read as  
15 follows: 66-2005. (a) Each local exchange carrier shall file a network in-  
16 frastructure plan with the commission on or after January 1, 1997, and  
17 prior to January 1, 1998. Each plan, as a part of universal service protec-  
18 tion, shall include schedules, which shall be approved by the commission,  
19 for deployment of universal service capabilities by July 1, 1998, and the  
20 deployment of enhanced universal service capabilities by July 1, 2003, as  
21 defined pursuant to subsections (p) and (q) of K.S.A. 66-1,187, and  
22 amendments thereto, respectively. With respect to enhanced universal  
23 service, such schedules shall provide for deployment of ISDN, or its tech-  
24 nological equivalent, or broadband facilities, only upon a firm customer  
25 order for such service, or for deployment of other enhanced universal  
26 services by a local exchange carrier. After receipt of such an order and  
27 upon completion of a deployment plan designed to meet the firm order  
28 or otherwise provide for the deployment of enhanced universal service,  
29 a local exchange carrier shall notify the commission. The commission shall  
30 approve the plan unless the commission determines that the proposed  
31 deployment plan is unnecessary, inappropriate, or not cost effective, or  
32 would create an unreasonable or excessive demand on the KUSF. The  
33 commission shall take action within 90 days. If the commission fails to  
34 take action within 90 days, the deployment plan shall be deemed ap-  
35 proved. This approval process shall continue until July 1, 2000. Each plan  
36 shall demonstrate the capability of the local exchange carrier to comply  
37 on an ongoing basis with quality of service standards to be adopted by  
38 the commission no later than January 1, 1997.

39 (b) In order to protect universal service, facilitate the transition to  
40 competitive markets and stimulate the construction of an advanced tel-  
41 ecommunications infrastructure, each local exchange carrier shall file a  
42 regulatory reform plan at the same time as it files the network infrastruc-  
43 ture plan required in subsection (a). As part of its regulatory reform plan,

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March 10, 2010  
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1 in subsection (k).

2 (t) Cost studies to determine price floors shall be performed as re-  
3 quired by the commission in response to complaints. In addition, not-  
4 withstanding the exemption in subsection (b), the commission may re-  
5 quest information necessary to execute any of its obligations under the  
6 act. In response to a complaint that a price deregulated service is priced  
7 below the price floor set forth in subsection (k), the commission shall  
8 issue an order within 60 days after the filing of the complaint unless the  
9 complainant agrees to an extension.

10 (u) A local exchange carrier may petition for individual customer pric-  
11 ing. The commission shall respond expeditiously to the petition within a  
12 period of not more than 30 days subject to a 30-day extension.

13 (v) No audit, earnings review or rate case shall be performed with  
14 reference to the initial prices filed as required herein.

15 (w) (1) Telecommunications carriers shall not be subject to price  
16 regulation, except that: Access charge reductions shall be passed through  
17 to consumers by reductions in basic intrastate toll prices; and basic toll  
18 prices shall remain geographically averaged statewide. As required under  
19 K.S.A. 66-131, and amendments thereto, and except as provided for in  
20 subsection (c) of K.S.A. 66-2004, and amendments thereto, telecommu-  
21 nications carriers that were not authorized to provide switched local  
22 exchange telecommunications services in this state as of July 1, 1996,  
23 including cable television operators who have not previously offered tel-  
24 ecommunications services, must receive a certificate of convenience  
25 based upon a demonstration of technical, managerial and financial vi-  
26 ability and the ability to meet quality of service standards established by  
27 the commission. Any telecommunications carrier or other entity seeking  
28 such certificate shall file a statement, which shall be subject to the com-  
29 mission's approval, specifying with particularity the areas in which it will  
30 offer service, the manner in which it will provide the service in such areas  
31 and whether it will serve both business customers and residential custom-  
32 ers in such areas. Any structurally separate affiliate of a local exchange  
33 carrier that provides telecommunications services shall be subject to the  
34 same regulatory obligations and oversight as a telecommunications car-  
35 rier, as long as the local exchange carrier's affiliate obtains access to any  
36 services or facilities from its affiliated local exchange carrier on the same  
37 terms and conditions as the local exchange carrier makes those services  
38 and facilities available to other telecommunications carriers. The com-  
39 mission shall oversee telecommunications carriers to prevent fraud and  
40 other practices harmful to consumers and to ensure compliance with  
41 quality of service standards adopted for all local exchange carriers and  
42 telecommunications carriers in the state.

43 (2) *Telecommunications carriers shall not be required to file retail*

2-2

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1 individual case basis contracts with the commission.

2 (3) Notwithstanding any provision of law to the contrary, beginning  
3 January 1, 2012:

4 (A) (i) No telecommunications carrier shall file with the commission  
5 any tariff with respect to retail telecommunications service; and

6 (ii) telecommunications carriers shall be required to make information  
7 on terms and conditions of service available, either by providing such  
8 information on the company's website or at company locations that are  
9 accessible to the public, or by otherwise making such information  
10 available.

11 (B) Prior to January 1, 2012, each telecommunications carrier shall  
12 provide a notice of the availability of rate information to each customer.

13 (C) Prior to January 1, 2012, the commission shall establish rules and  
14 regulations for the administration of paragraph (3) of this subsection.

15 (x) Beginning July 1, 2010:

16 (1) Any local exchange carrier in which a majority of the carrier's  
17 local exchange access lines in the state are price deregulated pursuant to  
18 subsection (q) may elect instead to no longer be regulated as a local  
19 exchange carrier and instead be regulated under this article as a telecom-  
20 munications carrier, except as provided in this subsection. A local  
21 exchange carrier electing such deregulation shall be referred to as an  
22 "electing carrier."

23 (2) A local exchange carrier may elect such electing carrier status by  
24 providing the commission with at least 90 days' written notice of election.  
25 The notice of election shall include a verified statement that a majority of  
26 the electing carrier's local exchange access lines are price deregulated. The  
27 commission shall verify that a majority of the electing carrier's local  
28 exchange access lines are price deregulated. An electing carrier shall be  
29 subject to no more regulation by the commission than the commission  
30 applies to other telecommunications carriers operating in the state, except  
31 as provided in this subsection.

32 (3) An electing carrier shall not be subject to price regulation and  
33 shall be subject to nondiscriminatory regulation in the same manner as  
34 other telecommunications carriers operating in the state, except that the  
35 electing carrier shall remain subject to:

36 ~~(A)~~ The minimum quality of service standards for all local exchange  
37 carriers and telecommunications carriers in the state and the penalties for  
38 violation of such standards, as required by K.S.A. 66-2002, and amend-  
39 ments thereto, provided that the commission may not resume price reg-  
40 ulation if an electing carrier fails to meet such standards;

41 ~~(B)~~ the reasonable resale of retail telecommunications services, as well  
42 as unbundling and interconnection obligations as required by K.S.A. 66-  
43 2003, and amendments thereto;

(A) The price cap provisions of subsections (g), (h), (i), (j) and (k), and amendments thereto, in any exchange not price deregulated as of January 1, 2010, pursuant to subsection (q), and amendments thereto, until such exchange is price deregulated pursuant to subsection (q) and amendments thereto.

(B)

(C)

2-4

1 ~~(C) [the uniform price requirement for services subject to price deregulation, as required by subsection (q)(1)(G) of K.S.A. 66-2005, and amendments thereto;~~

(D)

2  
3  
4 ~~(D) [the requirements of the KLSP, as required by K.S.A. 66-2006, and amendments thereto;~~

(E)

5  
6 ~~(E) [the requirements of the KUSF, as required by K.S.A. 66-2008, and amendments thereto; and~~

(F)

(G)

7  
8 ~~(F) [commission regulation of the rates, pricing, terms and conditions of intrastate switched or special access service and the applicability of such access service to intrastate interexchange traffic.~~

, as applicable under subsections (f) and (g) of this section, and amendments thereto.

9  
10  
11 ~~(4) An electing carrier shall be relieved of the requirement to serve as the carrier of last resort, as required by K.S.A. 66-2009, and amendments thereto, although the electing carrier shall continue to provide voice services, using any technology, to all customers throughout the carrier's service area. Notwithstanding the exemptions in this act, a competitive local exchange telecommunications company is entitled to interconnection with a local exchange telecommunications company to transmit and route voice traffic between both the competitive local exchange telecommunications company and the local exchange telecommunications company regardless of the technology by which the voice traffic is originated by and terminated to an end user. The commission shall afford such competitive local exchange telecommunications company all substantive and procedural rights available under both K.S.A. 66-2001 et seq., and amendments thereto, and [47 U.S.C. § 151 and 152, and amendments thereto, to such companies regarding interconnection.~~

(H) A

the federal act, 47 U.S.C. 251 and 252,

26 ~~(A) Once an electing carrier has been relieved of carrier of last resort obligations, such relief shall be applicable to all carriers operating in the electing carrier's designated service area.~~

27  
28  
29 ~~(B) An electing carrier that has been designated as an eligible telecommunications carrier will continue to have the obligation to serve required by such designation.~~

30  
31  
32 ~~(5) Up to and continuing until July 1, 2015, an electing carrier's basic rates for stand alone residential local telecommunications service for exchange lines in the carrier's rural exchanges shall be no higher than such rates for exchange lines in the carrier's urban exchanges. For the purposes of this section, "rural exchange" means any exchange in which there are fewer than 2,500 local exchange access lines served by all providers, and "urban exchange" means any exchange in which there are 75,000 or more local exchange access lines.~~

(4)

40 ~~(6) [An electing carrier shall be relieved of any obligation imposed on local exchange carriers, as required by K.S.A. 66-2011, and amendments thereto.~~

41  
42  
43 ~~(7) An electing carrier shall not be required to publish, issue or dis-~~

2.5

1 ~~tribute dated, paper printed copies of telephone directories. Pursuant to~~  
 2 ~~the accessible letter process of the applicable 251 interconnection agree-~~  
 3 ~~ments, if an electing carrier ceases to publish, issue or distribute telephone~~  
 4 ~~directories to its retail customers, such carriers shall provide written no-~~  
 5 ~~tice within 60 days to all carriers having an interconnection agreement~~  
 6 ~~with such carrier that concerns telephone directories. Upon such cessa-~~  
 7 ~~tion, carriers which rely on the electing carrier for directory services will~~  
 8 ~~no longer be required to publish, issue or distribute paper printed copies~~  
 9 ~~of telephone directories. Such carrier may choose to publish, issue or~~  
 10 ~~distribute a telephone directory in the format of such carrier's choosing.~~  
 11 ~~Pursuant to the terms of the applicable 251 interconnection agreement,~~  
 12 ~~such format chosen by the electing carrier for the delivery of a telephone~~  
 13 ~~directory will be available to other carriers on a nondiscriminatory basis.~~

14 ~~(8) Nothing in this section modifies the requirement in subsection~~  
 15 ~~(q)(7) for the commission to report to the legislature.~~

(5)

16 Sec. 2. K.S.A. 2009 Supp. 66-2005 is hereby repealed.  
 17 Sec. 3. This act shall take effect and be in force from and after its  
 18 publication in the statute book.