

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2201

By Committee on Utilities and Telecommunications

2-1

1 AN ACT concerning telecommunications; relating to the state corporation
2 commission, regulation; concerning the Kansas universal service fund,
3 eligibility and disbursements; establishing the telecommunications
4 study committee; amending K.S.A. 66-1,188, **66-1,191, 66-1,195, 66-**
5 **2002, 66-2003 and 66-2007** and K.S.A. 2012 Supp. 66-1,187, 66-2005,
6 **66-2006, 66-2008 and 66-2009** and repealing the existing sections.
7

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

9 New Section 1. (a) There is hereby established the
10 telecommunications study committee. The committee shall study
11 telecommunications issues and ensure that the public policy of Kansas, as
12 expressed in K.S.A. 66-2001, and amendments thereto, is maintained, with
13 priority being given to advancing statewide telecommunications
14 infrastructure.

15 (b) The study committee shall be composed of 13 voting members, as
16 follows: (1) The chairperson, vice-chairperson and ranking minority
17 member of the senate committee on utilities;

18 (2) the chairperson, vice-chairperson and ranking minority member of
19 the house committee on utilities and telecommunications;

20 (3) two members appointed by the president of the senate;

21 (4) one member appointed by the minority leader of the senate;

22 (5) three members appointed by the speaker of the house of
23 representatives; and

24 (6) one member appointed by the minority leader of the house of
25 representatives.

26 (c) Members shall be appointed to the study committee on or before
27 August 1, 2013 for a term ending on June 30, 2016. The chairperson of the
28 senate committee on utilities and the chairperson of the house committee
29 on utilities and telecommunications shall serve as co-chairpersons of the
30 committee. The co-chairpersons shall determine the procedures for calling
31 a meeting to order and conducting committee business. The first meeting
32 of the study committee shall be called by the co-chairpersons of the
33 committee following the conclusion of the 2013 regular session of the
34 Kansas legislature. The committee shall have the authority to meet at any
35 time and at any place within the state on the call of the co-chairpersons.

36 (d) The provisions of the acts contained in article 12 of chapter 46 of

1 service, as defined by 47 C.F.R. § 9.3 (October 1, 2005), to contribute to
2 the KUSF on an equitable and nondiscriminatory basis. Any
3 telecommunications carrier, telecommunications public utility, wireless
4 telecommunications service provider or provider of interconnected VoIP
5 service which contributes to the KUSF may collect from customers an
6 amount equal to such carrier's, utility's or provider's contribution, but such
7 carrier, provider or utility may collect a lesser amount from its customer.

8 Any contributions in excess of distributions collected in any reporting
9 year shall be applied to reduce the estimated contribution that would
10 otherwise be necessary for the following year.

11 (b) Pursuant to the federal act, distributions from the KUSF shall be
12 made in a competitively neutral manner to qualified telecommunications
13 public utilities, telecommunications carriers and wireless
14 telecommunications providers, that are deemed eligible both under
15 subsection (e)(1) of section 214 of the federal act and by the commission.

16 (c) *Beginning January 1, 2014:*

17 (1) *Annual distributions from the KUSF for a local exchange carrier*
18 *subject to price cap regulation pursuant to K.S.A. 66-2005, and*
19 *amendments thereto, shall be capped at 90% of KUSF support the carrier*
20 *received for the 12-month period ending February 28, 2013* ~~not including~~
21 *KUSF support for Kansas lifeline service program purposes, pursuant to*
22 *K.S.A. 66-2006, and amendments thereto.*

23 (2) *Local exchange carriers subject to price cap regulation pursuant*
24 *to K.S.A. 66-2005, and amendments thereto, shall not receive KUSF*
25 *support for any residential or business lines within an exchange that the*
26 *commission has granted price deregulation pursuant to subsections* ~~(q)(1)(B)~~
27 ~~(q)(1)(B), (C) or (D) or (E)~~ *of K.S.A. 66-2005, and amendments thereto,*
28 *except for areas within any census block in such an exchange in which*
29 *there is no wireline carrier providing local exchange access lines that*
30 *does not receive KUSF support, not including KUSF support for Kansas*
31 *lifeline service program purposes pursuant to K.S.A. 66-2006, and*
32 *amendments thereto, for such access lines.*

33 (3) *Local exchange carriers subject to price cap regulation pursuant*
34 *to K.S.A. 66-2005, and amendments thereto, shall receive the same per*
35 *line, per month KUSF support as established in the April 13, 2000 notice*
36 *in commission docket numbers 99-GIMT-326-GIT and 00-GIMT-236-GIT*
37 *subject to the cap percentage in subsection (c)(1), not including KUSF*
38 *support for Kansas lifeline service program purposes pursuant to K.S.A.*
39 *66-2006, and amendments thereto, except that the amount shall be*
40 *reduced by any funding received by such carrier from the federal*
41 *communication commission's connect America fund II for the same*
42 *household, if feasible, or for the same census block.*

43 (4) *The commission shall discontinue the use of the "identical*

the lesser of: (A)

; or

(B) \$11,400,000.

The amounts prescribed in subparagraph (A) or (B)
shall not include