ATTACHMENT #6
PETERSON AMENDMENT
(PART 2)

Proposed Amendment
Senator Petersen
2/16/2016
Prepared by M Sterling
Revisor of Statutes Office

offices; and broadband capable facilities to: All schools accredited pursuant to K.S.A. 72-1101 et seq., and amendments thereto; hospitals as defined in K.S.A. 65-425, and amendments thereto; public libraries; and state and local government facilities which request broadband services.

Sec. 2. K.S.A. 66-2001 is hereby amended to read as follows: 66-2001. It is hereby declared to be the public policy of the state to:

(a) Ensure that every Kansan will have access to a first class telecommunications infrastructure that provides excellent services at an affordable price;

(b) ensure that consumers throughout the state realize the benefits of competition through increased services and improved telecommunications facilities and infrastructure at reduced rates;

(c) promote consumer access to a full range of telecommunications services, including advanced telecommunications services that are comparable in urban and rural areas throughout the state;

(d) advance the development of a statewide telecommunications infrastructure that is capable of supporting applications, such as public safety, telemedicine, services for persons with special needs, distance learning, public library services, access to internet providers and others; ~~and~~

(e) protect consumers of telecommunications services from fraudulent business practices and practices that are inconsistent with the public interest, convenience and necessity*; and*

(f) promote local investment and the development and expansion of economic opportunities, through the statewide availability and ongoing enhancement of reliable and affordable broadband data and communications services.

Sec. 3. Sec. 3. See 66-2004 Insert

And by renumbering the remaining sections accordingly

Sec. 3. K.S.A. 2015 Supp. 66-2005 is hereby amended to read as follows: 66-2005. (a) Each local exchange carrier shall file a network infrastructure plan with the commission on or after January 1, 1997, and prior to January 1, 1998. Each plan, as a part of universal service protection, shall include schedules, which shall be approved by the commission, for deployment of universal service capabilities by July 1, 1998, and the deployment of enhanced universal service capabilities by July 1, 2003, as defined pursuant to ~~subsections (p) and (q) of~~ K.S.A. 66-1,187*(p) and (q)*, and amendments thereto, respectively. With respect to enhanced universal service, such schedules shall provide for deployment of ISDN, or its technological equivalent, or broadband facilities, only upon a firm customer order for such service, or for deployment of other enhanced universal services by a local exchange carrier. After receipt of such an order and upon completion of a deployment plan designed to meet the firm order or otherwise provide for the deployment of enhanced universal service, a local exchange carrier shall notify the commission.

ATTACHMENT #6 (PART 2)

PETERSON AMENDMENT

2015 Kansas Statutes

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66-2004. Rural telephone companies; competition; certification. (a) Pursuant to ~~subsection (f)(1) of section 251 of the federal act~~, the obligations of an incumbent local exchange carrier, which include the duty to negotiate interconnection, unbundled access, resale, notice of changes and collocation, shall not apply to a rural telephone company unless such company has received a bona fide request for interconnection, services or network elements and the commission determines that such request is not unduly economically burdensome, is technically feasible and preserves and enhances universal service.

47 U.S.C. § 251(f)(1)

(b) On July 1, 1996, the commission shall initiate a rulemaking procedure to adopt guidelines to ensure that all telecommunications carriers and local exchange carriers preserve and enhance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services and safeguard the rights of consumers. The preservation and advancement of universal service shall be a primary concern. The commission shall issue the guidelines no later than December 31, 1996.

47 U.S.C. § 253(f)

(c) Pursuant to ~~subsection (f) of section 253 of the federal act~~, ~~any~~ telecommunications carrier that seeks to provide telephone exchange service or local exchange access in a service area served by a ~~rural telephone company shall meet the requirements of subsection (e)(1) of section 214 of the federal act~~ for designation as an eligible telecommunications carrier for that area before being permitted by the commission to provide such service; however, the guidelines shall be consistent with the provisions of ~~subsection (f) (1) and (2) of section 253 of the federal act~~.

47 U.S.C. § 214(e)(1)

47 U.S.C. § 253(f)(1) and (2)

(d) The commission may grant a certificate to provide local exchange or exchange access service in the service area of a rural telephone company if, among other issues to be considered by the commission, the application for such certificate complies with commission guidelines issued pursuant to subsection (b).

(e) Any restrictions established by the commission for rural entry of competitors or for resale and unbundling of services shall not apply to any service area of a rural telephone company if such company, or an entity in which such company directly or indirectly owns an equity interest of 10% or more, provides local exchange or exchange access service, as authorized under K.S.A. ~~2002 Supp.~~ 60-2003 and this section, in any area of the state outside of its local exchange areas, as approved by the commission on or before January 1, 1996, and outside of any area in which it is the successor to the local exchange carrier serving such area on or before January 1, 1996.

History: ~~L. 1996, ch. 268, § 5; July 1.~~

(f) (1) On and after July 1, 2016, a local exchange carrier electing to operate under rate of return regulation pursuant to K.S.A. 66-2005(b), and amendments thereto, or an entity in which such carrier directly or indirectly owns an equity interest of 10% or more, shall not offer new telecommunication services in any areas outside the carrier's service area if there is at least one telecommunications provider that is not eligible to receive KUSF funding and currently providing telecommunications services in that area, unless telecommunication services comparable to such services being offered outside the local exchange carrier's authorized service area are available to 95% of the carrier's customers within the carrier's existing authorized service area.

(2) The provisions of this subsection shall not be construed to affect any local exchange carrier electing to operate under rate of return regulation pursuant to K.S.A. 66-2005(b), and amendments thereto, that began providing telecommunications service in an area outside the carrier's service area prior to July 1, 2016, for the provision of such service in any such areas.