

HOUSE BILL NO. 416

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KELLY, Therriault

Introduced: 2/16/98

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to competition in the provision of local exchange telephone
2 service; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 42.05 is amended by adding a new section to read:

5 **Sec. 42.05.870. Competition in local exchange service.** (a) The legislature
6 finds that

7 (1) modern, affordable, efficient, and universally available local and
8 long distance telephone service is essential to the people of the state;

9 (2) local exchange telephone service should be provided competitively
10 wherever possible;

11 (3) technological advances, reduced costs, and increased consumer
12 choices for local exchange telephone service, resulting from the adoption of an
13 appropriate competitive market structure, will enhance the state's economic
14 development;

1 (4) the benefits of competition in local exchange telephone service
2 should be available to consumers throughout the state;

3 (5) the commission should oversee competition in local exchange
4 telephone service to ensure that the competition is fair to consumers and competitors;

5 (6) the commission should provide for competition in a timely manner
6 and should adopt regulations that eliminate impediments to entry for local exchange
7 carriers fit, willing, and able to provide service.

8 (b) By December 31, 1998, the commission shall adopt

9 (1) regulations on universal service and access charges that are
10 compatible with full competition in the provision of local exchange telephone service
11 using all methods allowed by 47 U.S.C. 251 - 276 (Telecommunications Act of 1996);
12 and

13 (2) any further regulations necessary to allow and promote local
14 exchange competition, using all methods allowed by 47 U.S.C. 251 - 276
15 (Telecommunications Act of 1996), in the service areas of all local exchange carriers
16 that served 1,500 or more access lines on January 1, 1998.

17 (c) The commission shall approve or deny applications to provide competitive
18 local exchange telephone service within 90 days after the filing of a complete
19 application and shall consider competitive local exchange telephone service to be a
20 service required for the convenience and necessity of the public under AS 42.05.241.
21 The commission shall approve an application on a finding that the applicant is fit,
22 willing, and able to provide the service. If the commission fails to approve or deny
23 an application within 90 days after the commission has received a complete
24 application, the application is considered approved.

25 (d) A local exchange telephone company that is exempted in whole or in part
26 from complying with all or a portion of this chapter may not be regulated by a
27 municipality under AS 29.35.060 or 29.35.070.

28 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).