

CS FOR SENATE BILL NO. 52(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 5/14/99

Offered: 4/14/99

Sponsor(s): SENATOR PETE KELLY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to competition in the provision of local exchange telephone
2 service; relating to fair and equal access to cable television utility services and
3 facilities; and providing for an effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 42.05.711(k) is amended to read:

6 (k) A utility that furnishes cable television service **in areas which have not**
7 **been opened to local telephone competition by the commission under 47 U.S.C.**
8 **251** is exempt from the provisions of this chapter other than AS 42.05.221 - 42.05.281,
9 **in those service areas only,** unless the subscribers petition the commission for
10 regulation under the procedure described in AS 42.05.712.

11 * Sec. 2. The Alaska Public Utilities Commission shall, on or before January 1, 2000,
12 promulgate, issue, and implement regulations governing equal access to the services
13 and facilities of cable television utilities. These regulations shall include provision
14 requiring interconnection, collocation of facilities and resale of services and facilities

1 on a wholesale and unbundled basis.

2 * **Sec. 3.** The Alaska Public Utilities Commission shall, on or before January 1, 2000,
3 promulgate, issue, and implement regulations requiring the establishment tariffs for,
4 and governing the establishment of, prices charged by cable television utilities for the
5 provision of service, interconnection, collocation of facilities, resale of services and
6 facilities on a wholesale and unbundled basis.

7 * **Sec. 4.** All cable television utilities shall file tariffs in conformity with the regulations
8 issued pursuant to the Act within thirty days of the regulations being issued.

9 * **Sec. 5.** AS 42.05 is amended by adding a new section to read:

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

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

14 (2) local exchange telephone service should be provided competitively
15 wherever possible;

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

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

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

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

27 (b) By July 1, 1999, the commission shall adopt

28 (1) regulations ensuring universal service and providing for access
29 charges that are compatible with full competition in the provision of local exchange
30 telephone service using all methods allowed by 47 U.S.C. 251 - 276
31 (Telecommunications Act of 1996) and in full compliance with 47 U.S.C. 251(f)(1)(B);

1 and

2 (2) any further regulations necessary to allow and promote local
3 exchange competition, using all methods allowed by 47 U.S.C. 251 - 276
4 (Telecommunications Act of 1996), in the service areas of all local exchange carriers
5 that served 25,000 or more access lines on January 1, 1999, other than the service
6 areas of telephone cooperatives.

7 (c) The commission shall approve or deny applications to provide competitive
8 local exchange telephone service within 90 days after the filing of a complete
9 application and, except for applications to provide competitive local exchange
10 telephone service in the service area of a telephone cooperative, shall consider
11 competitive local exchange telephone service to be a service required for the
12 convenience and necessity of the public under AS 42.05.241. The commission shall
13 approve an application on a finding that the applicant is fit, willing, and able to
14 provide the service. In accordance with 47 U.S.C. 253(f), the commission may require
15 the applicant to offer service throughout the study area of the existing local exchange
16 telephone utility. If the commission fails to approve or deny an application, other than
17 an application to provide competitive local exchange telephone service in the service
18 area of a telephone cooperative, within 90 days after the commission has received a
19 complete application, the application is considered approved.

20 (d) A local exchange telephone company, other than a municipally-owned local
21 exchange telephone company, that is exempted in whole or in part from complying
22 with all or a portion of this chapter may not be regulated by a municipality under
23 AS 29.35.060 or 29.35.070.

24 * **Sec. 6.** AS 42.05.870(b) is amended to read:

25 (b) By July 1, 1999, the commission shall adopt

26 (1) regulations ensuring universal service and providing for access
27 charges that are compatible with full competition in the provision of local exchange
28 telephone service using all methods allowed by 47 U.S.C. 251 - 276
29 (Telecommunications Act of 1996) and in full compliance with 47 U.S.C. 251(f)(1)(B);
30 and

31 (2) any further regulations necessary to allow and promote local

1 exchange competition, using all methods allowed by 47 U.S.C. 251 - 276
2 (Telecommunications Act of 1996), in the service areas of all local exchange carriers
3 that served 25,000 or more access lines on January 1, 1999 [, OTHER THAN THE
4 SERVICE AREAS OF TELEPHONE COOPERATIVES].

5 * **Sec. 7.** AS 42.05.870(c) is amended to read:

6 (c) The commission shall approve or deny applications to provide competitive
7 local exchange telephone service within 90 days after the filing of a complete
8 application and [, EXCEPT FOR APPLICATIONS TO PROVIDE COMPETITIVE
9 LOCAL EXCHANGE TELEPHONE SERVICE IN THE SERVICE AREA OF A
10 TELEPHONE COOPERATIVE,] shall consider competitive local exchange telephone
11 service to be a service required for the convenience and necessity of the public under
12 AS 42.05.241. The commission shall approve an application on a finding that the
13 applicant is fit, willing, and able to provide the service. In accordance with 47 U.S.C.
14 253(f), the commission may require the applicant to offer service throughout the study
15 area of the existing local exchange telephone utility. If the commission fails to
16 approve or deny an application [, OTHER THAN AN APPLICATION TO PROVIDE
17 COMPETITIVE LOCAL EXCHANGE TELEPHONE SERVICE IN THE SERVICE
18 AREA OF A TELEPHONE COOPERATIVE,] within 90 days after the commission
19 has received a complete application, the application is considered approved.

20 * **Sec. 8.** (a) Section 1 of this Act takes effect immediately under AS 01.10.070(c).

21 (b) Sections 2 and 3 of this Act take effect on the date two years after the day
22 sec. 1 of this Act takes effect.