

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1008

Short Title: Extend Univ. Service Deadline.

(Public)

Sponsors: Senator Hoyle.

Referred to: Commerce.

April 15, 1999

A BILL TO BE ENTITLED

**AN ACT TO EXTEND THE TIME FOR THE NORTH CAROLINA UTILITIES
COMMISSION TO ADOPT FINAL RULES REGARDING UNIVERSAL
SERVICE.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 62-110(f1) reads as rewritten:

"(f1) Except as provided in subsection (f2) of this section, the Commission is authorized, following notice and an opportunity for interested parties to be heard, to issue a certificate to any person applying to provide local exchange or exchange access services as a public utility as defined in G.S. 62-3(23)a.6., without regard to whether local telephone service is already being provided in the territory for which the certificate is sought, provided that the person seeking to provide the service makes a satisfactory showing to the Commission that (i) the person is fit, capable, and financially able to render such service; (ii) the service to be provided will reasonably meet the service standards that the Commission may adopt; (iii) the provision of the service will not adversely impact the availability of reasonably affordable local exchange service; (iv) the person, to the extent it may be required to do so by the Commission, will participate in the support of universally available telephone service at affordable rates; and (v) the provision of the service does not otherwise adversely impact the public interest. In its application for certification, the person seeking to provide the service shall set forth with

1 particularity the proposed geographic territory to be served and the types of local
2 exchange and exchange access services to be provided. Except as provided in G.S. 62-
3 133.5(f), any person receiving a certificate under this section shall, until otherwise
4 determined by the Commission, file and maintain with the Commission a complete list of
5 the local exchange and exchange access services to be provided and the prices charged
6 for those services, and shall be subject to such reporting requirements as the Commission
7 may require.

8 Any certificate issued by the Commission pursuant to this subsection shall not permit
9 the provision of local exchange or exchange access service until July 1, 1996, unless the
10 Commission shall have approved a price regulation plan pursuant to G.S. 62-133.5(a)

11 for a local exchange company with an effective date prior to July 1, 1996. In
12 the event a price regulation plan becomes effective prior to July 1, 1996, the Commission
13 is authorized to permit the provision of local exchange or exchange access service by a
14 competing local provider in the franchised area of such local exchange company.

15 The Commission is authorized to adopt rules it finds necessary (i) to provide for
16 the reasonable interconnection of facilities between all providers of telecommunications
17 services; (ii) to determine when necessary the rates for such interconnection; (iii) to
18 provide for the reasonable unbundling of essential facilities where technically and
19 economically feasible; (iv) to provide for the transfer of telephone numbers between
20 providers in a manner that is technically and economically reasonable; (v) to provide for
21 the continued development and encouragement of universally available telephone service
22 at reasonably affordable rates; and (vi) to carry out the provisions of this subsection in a
23 manner consistent with the public interest, which will include a consideration of whether
24 and to what extent resale should be permitted.

25 Local exchange companies and competing local providers shall negotiate the rates for
26 local interconnection. In the event that the parties are unable to agree within 90 days of a
27 bona fide request for interconnection on appropriate rates for interconnection, either party
28 may petition the Commission for determination of the appropriate rates for
29 interconnection. The Commission shall determine the appropriate rates for
30 interconnection within 180 days from the filing of the petition.

31 Each local exchange company shall be the universal service provider in the area in
32 which it is certificated to operate on July 1, 1995, until otherwise determined by the
33 Commission. In continuing this State's commitment to universal service, the Commission
34 shall, by December 31, 1996, adopt interim rules that designate the person that should be
35 the universal service provider and to determine whether universal service should be
36 funded through interconnection rates or through some other funding mechanism. By ~~July~~
37 ~~1, 1999, July 1, 2001,~~ the Commission shall complete an investigation and adopt final
38 rules concerning the provision of universal services, the person that should be the
39 universal service provider, and whether universal service should be funded through
40 interconnection rates or through some other funding mechanism.

41 The Commission shall make the determination required pursuant to this subsection in
42 a manner that furthers this State's policy favoring universally available telephone service
43 at reasonable rates."

1 Section 2. This act is effective when it becomes law.