
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1608 Session of
2013

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HARHART, COHEN, GILLESPIE, MUSTIO, STEVENSON, KNOWLES, HESS
AND SWANGER, JULY 1, 2013

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JULY 1, 2013

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in alternative form of regulation of
3 telecommunications services, further providing for
4 definitions, for continuation of commission-approved
5 alternative regulation and network modernization plans, for
6 alternative forms of regulation, for competitive services,
7 for access charges, for interexchange telecommunications
8 carriers and for additional powers and duties.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The definitions of "competitive service,"
12 "noncompetitive service" and "protected service" in section 3012
13 of Title 66 of the Pennsylvania Consolidated Statutes are
14 amended and the section is amended by adding definitions to
15 read:

16 § 3012. Definitions.

17 The following words and phrases when used in this chapter

shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Basic calling service." A service, using any technology, which provides a residential customer with the ability to transmit and receive voice communications, including access to E-911.

* * *

"Competitive exchange." As follows:

(1) A nonrural exchange declared competitive under section 3016(c)(1) (relating to competitive services).

(2) A rural exchange declared competitive under section 3016(c)(2).

(3) A rural exchange declared competitive under section 3019(b.1)(3) (relating to additional powers and duties).

"Competitive service." A service or business activity determined to be competitive by the commission on or prior to December 31, [2003] 2013, and a service or business activity determined or declared to be competitive pursuant to section 3016 (relating to competitive services).

* * *

"Noncompetitive service." A regulated telecommunications service or business activity that has not been determined or declared to be competitive and is not offered in a competitive exchange.

* * *

"Nonrural exchange." An exchange with a population density of at least 300 people per square mile, based on the 2010 Federal decennial census.

* * *

1 "Over-the-top alternative service provider." An alternative
2 service provider that provides voice service over Internet
3 protocol or a successor format using the wireline or wireless
4 broadband transmission facilities operated by another entity and
5 that does not operate its own broadband transmission facilities.
6 The term does not include an entity that operates its own
7 wireline or wireless broadband transmission facility.

8 "Pennsylvania universal service fund." The fund established
9 and maintained by the commission under 52 Pa. Code Ch. 63 Subch.
10 L (relating to universal service).

11 * * *

12 "Protected service." The following telecommunications
13 services provided by a local exchange telecommunications company
14 in an exchange that is not a competitive exchange, unless the
15 commission has determined the service to be competitive:

16 (1) Service provided to residential consumers or single-
17 line business consumers that [is necessary to complete a
18 local exchange call] provides the ability to receive and
19 transmit voice communications, including access to E-911.

20 [(2) Touch-tone service.]

21 (3) Switched access service.

22 [(4) Special access service.]

23 (5) Ordering, installation, restoration and
24 disconnection of these services.

25 * * *

26 "Rural exchange." An exchange that is not a nonrural
27 exchange.

28 * * *

29 Section 2. Sections 3013(c), 3015(e)(1), (2), (4) and (6),
30 (f) and (h) and 3016(b), (c) and (d) of Title 66 are amended to

1 read:

2 § 3013. Continuation of commission-approved alternative
3 regulation and network modernization plans.

4 * * *

5 (c) Grandfather provision.--All services [previously
6 determined to be competitive as of December 31, 2003,]
7 determined or declared to be competitive as of January 1, 2013,
8 shall remain competitive services [unless reclassified by the
9 commission under section 3016(c) (relating to competitive
10 services)].

11 * * *

12 § 3015. Alternative forms of regulation.

13 * * *

14 (e) General filing requirements.--The commission's filing
15 and audit requirements for a local exchange telecommunications
16 company that is operating under an amended network modernization
17 plan shall be limited to the following:

18 (1) Network modernization plan reports filed pursuant to
19 section 3014(f), except that upon filing the final report
20 following the date of 100% broadband availability elected
21 under section 3014(b), no further reports may be required.

22 [(2) An annual financial report consisting of a balance
23 sheet and income statement.]

24 * * *

25 [(4) An annual service report.]

26 * * *

27 [(6) An annual access line report.]

28 * * *

29 (f) Other reports.--

30 (1) Notwithstanding any other provision of this title to

1 the contrary, no report, statement, filing or other document
2 or information, except as specified in subsection (e), shall
3 be required of any local exchange telecommunications company.
4 [unless the commission, upon notice to the affected local
5 exchange telecommunications company and an opportunity to be
6 heard, has first made specific written findings supporting
7 conclusions in an entered order that:

8 (i) The report is necessary to ensure that the local
9 exchange telecommunications company is charging rates
10 that are in compliance with this chapter and its
11 effective alternative form of regulation.

12 (ii) The benefits of the report substantially
13 outweigh the attendant expense and administrative time
14 and effort required of the local exchange
15 telecommunications company to prepare it.]

16 (2) Nothing in this subsection shall be construed to
17 impede the ability of the commission to require the
18 submission of further information to support the accuracy of
19 or to seek an explanation of the reports specified in
20 subsection (e).

21 * * *

22 (h) Conformance of plan.--Upon approval of a local exchange
23 telecommunications company of network modernization plan
24 amendments pursuant to section 3014(e), the local exchange
25 telecommunications company's alternative form of regulation plan
26 shall be deemed amended consistent with this [section] chapter.
27 § 3016. Competitive services.

28 * * *

29 (b) Declaration of retail nonprotected services as
30 competitive.--Notwithstanding the provisions of subsection (a),

1 a local exchange telecommunications company may declare any
2 retail nonprotected service as competitive by filing its
3 declaration with the commission and serving it on the Office of
4 Consumer Advocate, Office of Small Business Advocate and each of
5 the parties to the commission's proceeding in which the
6 company's network modernization plan that was in effect on
7 December 31, 2003, was approved by the commission, provided that
8 a local exchange telecommunications company may not use this
9 declaration process for any service that the commission
10 previously has reclassified as noncompetitive under [either
11 subsection (c) or] prior law. A declaration of a retail
12 nonprotected service as competitive shall be effective upon
13 filing by the local exchange telecommunications company with the
14 commission.

15 (c) [Reclassification.--

16 (1) A party may petition the commission for a
17 determination of whether a service or other business activity
18 previously determined or declared to be competitive is
19 noncompetitive. The commission, after notice and hearing,
20 shall enter an order deciding the petition within 60 days of
21 the filing date or 90 days of the filing date where a protest
22 is timely filed, or the petition shall be approved.

23 (2) The petitioner shall serve a copy of the petition on
24 the affected local exchange telecommunications company if the
25 petitioner is not the company, the Office of Consumer
26 Advocate, the Office of Small Business Advocate and each of
27 the parties to the commission's proceeding in which the
28 company's network modernization plan that was in effect on
29 December 31, 2003, was approved by the commission.

30 (3) In making its determination, the commission shall

1 consider all relevant information submitted to it, including
2 the availability of like or substitute services or other
3 business activities, and shall limit its determination to the
4 particular geographic area, exchange or density cell in which
5 the service or other business activity has been proved to be
6 noncompetitive.

7 (4) The burden of proving that a competitive service or
8 other business activity should be reclassified as
9 noncompetitive rests on the party seeking the
10 reclassification.

11 (5) If the commission reclassifies a service or other
12 business activity as noncompetitive, the commission shall
13 determine a just and reasonable rate for the reclassified
14 service or business activity in accordance with section 1301
15 (relating to rates to be just and reasonable).] Competitive
16 services and exchanges.--

17 (1) A local exchange telecommunications company may
18 classify any of its nonrural exchanges as a competitive
19 exchange by filing a declaration. The declaration shall take
20 effect upon filing.

21 (2) The following shall apply:

22 (i) A local exchange telecommunications company may
23 classify any of its rural exchanges as a competitive
24 exchange by filing an affidavit and declaration that two
25 or more alternative service providers operate in the
26 exchange, as demonstrated by local number portability
27 records or other relevant information.

28 (ii) An affidavit and declaration filed under this
29 paragraph shall take effect upon filing, except that for
30 a nonrural telecommunications carrier that has filed an

1 amended network modernization plan under section
2 3014(b) (3) (relating to network modernization plans)
3 committing to deploy 100% broadband availability by
4 December 31, 2015, the affidavit and declaration may not
5 take effect before January 1, 2016.

6 (iii) For purposes of this paragraph, only one of
7 the two alternative service providers may be an over-the-
8 top alternative service provider.

9 (3) The following shall apply:

10 (i) All services, except for switched access,
11 offered by a local exchange telecommunications company in
12 a competitive exchange shall be deemed competitive
13 services.

14 (ii) On the effective date of a declaration
15 specified under this subsection, a local exchange
16 telecommunications company shall continue to offer a
17 basic calling service to a residential customer who
18 subscribes to the service at the same location on the
19 effective date of the declaration, until the date the
20 customer requests that the service be disconnected or
21 January 1, 2018, whichever is earlier.

22 (4) The following shall apply:

23 (i) A residential customer of a local exchange
24 telecommunications company in an exchange declared
25 competitive may petition the commission to order the
26 local exchange telecommunications company to provide
27 service, if the customer establishes that service is not
28 available to the customer's location from another
29 provider.

30 (ii) In resolving a petition under subparagraph (i),

1 the commission may not prohibit, require or otherwise
2 direct:

3 (A) The choice of technology used to provide the
4 service.

5 (B) That the service be provided at a different
6 rate than the rates offered to other customers within
7 the exchange.

8 (C) The use of joint ventures to provide service
9 under this paragraph.

10 (D) That the local telecommunications company
11 provide anything other than service as defined under
12 subparagraph (iii).

13 (iii) For purposes of this paragraph, "service"
14 shall mean basic calling service, which may be bundled
15 with other services, at the provider's option.

16 (d) Additional requirements.--

17 [(1) The prices which a local exchange
18 telecommunications company charges for competitive services
19 shall not be less than the costs to provide the services.]

20 (2) The commission may not require [tariffs for
21 competitive service offerings to be filed with the
22 commission.] a telecommunications carrier to file a tariff
23 for a telecommunications service offering, except for
24 switched access. A contract for telecommunications service
25 may not be required to be filed or approved under section 507
26 (relating to contracts between public utilities and
27 municipalities).

28 (3) A [local exchange telecommunications company]
29 telecommunications carrier at its option may tariff its rates
30 subject to rules and regulations applicable to the provision

1 of [competitive] the services. Rate changes that are filed in
2 a telecommunications carrier's tariff for competitive
3 services may go into effect on a one-day notice.

4 (4) [The commission may require a local exchange
5 telecommunications company to maintain price lists with the
6 commission applicable to its competitive services. Price
7 changes that are filed in a company's tariff for competitive
8 services will go into effect on a one-day notice.] The
9 following shall apply:

10 (i) A telecommunications carrier shall make the
11 rates, terms and conditions applicable to its service
12 available to the public on an Internet website or by
13 providing other written notice to a customer upon
14 request.

15 (ii) An increase in the rate for a protected service
16 may not take effect without approval of the commission.
17 The commission shall provide approval unless the
18 commission finds that the rate increase violates section
19 1301 (relating to rates to be just and reasonable), this
20 chapter or the company's applicable alternative
21 regulation plan.

22 (iii) The commission's review of a proposed
23 protected service rate increase must conform to the time
24 requirements of section 1308 (relating to voluntary
25 changes in rates) and any applicable alternative
26 regulation plan.

27 * * *

28 Section 3. Section 3017(b) of Title 66 is amended and the
29 section is amended by adding subsections to read:

30 § 3017. Access charges.

1 * * *

2 (b) Refusal to pay access charges prohibited.--No person or
3 entity may refuse to pay tariffed intrastate access charges for
4 interexchange access services provided by a local exchange
5 telecommunications company, unless it is mutually agreed to in
6 writing in an interconnection or other commercial agreement
7 between the parties.

8 * * *

9 (d) Resolution.--Prior to the filing of a complaint alleging
10 a violation of subsection (b), the disputing parties shall
11 attempt, in good faith, to resolve an access charge payment
12 dispute.

13 (e) Complaint proceeding.--Notwithstanding any other
14 provision of this title, the commission shall make a final
15 decision and order granting or denying a complaint that alleges
16 a violation of subsection (b) within 180 calendar days of the
17 filing of the complaint. If the respondent continues to utilize
18 the interexchange services of the complainant during the
19 pendency of the complaint, the commission shall require
20 financial security for good cause shown.

21 Section 4. Section 3018(b)(3), (c) and (d) of Title 66 are
22 amended to read:

23 § 3018. Interexchange telecommunications carriers.

24 * * *

25 (b) Rate regulation.--

26 * * *

27 (3) Nothing in this chapter shall be construed to limit
28 the authority of the commission to regulate the privacy of
29 interexchange service [and the ordering, installation,
30 restoration and disconnection of interexchange service to

1 customers].

2 [(c) Reclassification.--The commission may reclassify
3 telecommunications services provided by an interexchange
4 telecommunications carrier as noncompetitive if, after notice
5 and hearing, it determines, upon application of the criteria set
6 forth in this chapter, that sufficient competition is no longer
7 present.]

8 (d) Construction.--Nothing in this chapter shall be
9 construed:

10 [(1) To limit the authority of the commission to resolve
11 complaints regarding the quality of interexchange
12 telecommunications carrier service.]

13 (2) To limit the authority of the commission to
14 determine whether an interexchange telecommunications carrier
15 should be extended the privilege of operating within this
16 Commonwealth [or to order the filing of such reports,
17 documents and information as may be necessary to monitor the
18 market for and competitiveness of interexchange
19 telecommunications services].

20 Section 5. Section 3019(b), (c), (f)(1), (4) and (6) of
21 Title 66 are amended and the section is amended by adding a
22 subsection to read:

23 § 3019. Additional powers and duties.

24 * * *

25 (b) Powers and duties retained.--The commission shall retain
26 the following powers and duties relating to the regulation of
27 all telecommunications carriers and interexchange
28 telecommunications carriers, including the power to seek
29 information necessary to facilitate the exercise of these powers
30 and duties:

1 [(1) To audit the accounting and reporting systems of
2 telecommunications carriers relating to their transactions
3 with affiliates pursuant to Chapter 21 (relating to relations
4 with affiliated interests). A telecommunications carrier
5 shall file affiliated interest and affiliated transaction
6 agreements unless such agreements involve services declared
7 to be competitive. The filings shall constitute notice to the
8 commission only and shall not require approval by the
9 commission.]

10 (2) [To review and revise quality of service standards
11 contained in 52 Pa. Code (relating to public utilities) that
12 address the safety, adequacy, reliability and privacy of
13 telecommunications services and the ordering, installation,
14 suspension, termination and restoration of any
15 telecommunications service. Any review or revision shall take
16 into consideration the emergence of new industry
17 participants, technological advancements, service standards
18 and consumer demand.] To modify service quality standards as
19 follows:

20 (i) The following shall apply:

21 (A) To review and revise quality of service
22 standards contained in 52 Pa. Code (relating to
23 public utilities) that address the following:

24 (I) the safety, adequacy, reliability and
25 privacy of protected services; and

26 (II) the ordering, installation, suspension,
27 termination and restoration of a protected
28 service.

29 (B) A review or revision under clause (A) shall
30 take into consideration the emergence of new industry

1 participants, technological advancements, service
2 standards and consumer demand.

3 (ii) To hear and resolve retail customer complaints
4 relating to the provision of protected services if the
5 complaint is based on one of the following:

6 (A) Truth-in-Billing regulations established by
7 the Federal Communications Commission at 47 CFR 64,
8 Subpt. Y (relating to Truth-in-Billing requirements
9 for common carriers; billing for unauthorized
10 charges).

11 (B) An alleged failure to comply with the
12 provisions of an applicable tariff or the rate, term
13 or condition of a protected service posted on an
14 Internet website under section 3016(d)(3) (relating
15 to competitive services).

16 (C) An alleged failure to comply with an
17 applicable service quality standard.

18 [(3) Subject to the provisions of section 3015(e)
19 (relating to alternative forms of regulation), to establish
20 such additional requirements as are consistent with this
21 chapter as the commission determines to be necessary to
22 ensure the protection of customers.]

23 (4) To condition the sale, merger, acquisition or other
24 transaction required to be approved under section 1102(a)(3)
25 (relating to enumeration of acts requiring certificate) of a
26 local exchange telecommunications company or any facilities
27 used to provide telecommunications services to ensure that
28 there is no reduction in the advanced service or broadband
29 deployment obligations for the affected property or
30 facilities.

1 (5) In regard to a sale, merger, acquisition or other
2 transaction required to be approved under section 1102(a)(1),
3 (2), (3) and (4), the commission's review and approval of an
4 application shall conform to the following:

5 (i) The commission shall, after the filing of the
6 application, approve or disapprove the application by a
7 final order entered within 90 calendar days. The 90-day
8 period may be extended by a commission order for a period
9 not to exceed an additional 90 calendar days. The
10 application shall be deemed approved if the commission
11 fails to enter a final order within 90 calendar days of
12 filing of the application or the extended period ordered
13 by the commission.

14 (ii) If the commission approves the application with
15 a condition, the commission may impose the condition to
16 the extent necessary to ensure that the rates for
17 protected services provided to a retail consumer by the
18 applicant is just and reasonable.

19 (b.1) Pennsylvania universal service fund.--

20 (1) The commission shall continue to administer the
21 Pennsylvania universal service fund until January 1, 2019, on
22 the same terms and conditions as set forth in regulations and
23 orders, in existence on the effective date of this paragraph,
24 except that the following shall apply:

25 (i) Distribution of funds from the Pennsylvania
26 universal service fund shall be limited to a local
27 exchange telecommunications company that:

28 (A) received funds from the Pennsylvania
29 universal service fund on or before January 1, 2013,
30 and that continues to offer basic calling service in

1 the local exchange telecommunications company's
2 service territory pursuant to a tariff; or

3 (B) makes the rates, terms and conditions of the
4 local exchange telecommunications company's service
5 offerings available to the public on an Internet
6 website under section 3016(d)(3) during the period
7 for which the funds are received.

8 (ii) The following shall apply:

9 (A) Except as provided under clause (B),
10 receipts from the Pennsylvania universal service fund
11 by a local exchange telecommunications company may
12 not be reduced below 2012 funding levels prior to
13 January 1, 2019.

14 (B) A local exchange telecommunications company
15 declaring one or more of its exchanges competitive
16 under section 3016(c) shall have its total receipts
17 from the Pennsylvania universal service fund reduced
18 by 5% each year, up to a total maximum reduction of
19 15% over a three year period. Each reduction shall be
20 calculated based on 2012 receipts and shall be
21 utilized to reduce the size of the Pennsylvania
22 universal service fund. Except as provided under this
23 clause, the designation of an exchange as competitive
24 under section 3016(c) shall not affect the local
25 exchange service telecommunications company's
26 receipts from the Pennsylvania universal service
27 fund.

28 (iii) The commission may not prohibit contributing
29 carriers from recovering Pennsylvania universal service
30 fund contributions through an end-user charge, except if

1 the commission finds that the surcharge recovers more
2 than a carrier's contributions to the Pennsylvania
3 universal service fund.

4 (iv) The commission may reset the assessment rate
5 imposed on telecommunications service providers to ensure
6 sufficient funds, except that the commission may not
7 increase the size of the Pennsylvania universal service
8 fund as set in 2012 or expand the base of contributors.

9 (v) Except as provided under subparagraphs (i),
10 (ii), (iii) and (iv), the commission may not implement
11 any other revision or change to the Pennsylvania
12 universal service fund or its implementing regulations
13 until January 1, 2019.

14 (vi) The listing of the associated dollar
15 contributions and receipts of Pennsylvania universal
16 service fund contributors and recipients shall be
17 considered a public record under the act of February 14,
18 2008 (P.L.6, No.3), known as the Right-to-Know Law, and
19 shall be made available on the commission's Internet
20 website.

21 (2) The following shall apply:

22 (i) The commission shall initiate an investigation
23 of the Pennsylvania universal service fund and associated
24 regulations and shall enter a final order determining, at
25 a minimum, whether the Pennsylvania universal service
26 fund should be continued. If the commission determines
27 that the Pennsylvania universal service fund should
28 continue, the commission shall make necessary changes
29 which shall take effect on January 1, 2019.

30 (ii) The investigation under subparagraph (i) shall

1 be undertaken in an on-the-record evidentiary proceeding
2 and shall comply with paragraph (1)(i), (iii), (iv) and
3 (vi).

4 (iii) The Pennsylvania universal service fund may be
5 continued only if the commission determines that it is
6 necessary to enable the continued provision of reliable
7 basic voice calling service at affordable and reasonable
8 rates by local exchange telecommunications companies. If
9 the commission determines that the Pennsylvania universal
10 service fund should be continued, it may not expand the
11 base of Pennsylvania universal service fund contributors
12 and may not expand the size of the Federal Universal
13 Service Fund above the level existing on December 31,
14 2018.

15 (3) Notwithstanding section 3016(c)(2), a local exchange
16 telecommunications company may declare an exchange
17 competitive after January 1, 2019, under section 3016(c)(1).
18 The following shall apply:

19 (i) A local exchange company that declares an
20 exchange competitive under this paragraph shall
21 relinquish all support received from the Pennsylvania
22 universal service fund and shall not be eligible to
23 receive future support.

24 (ii) All service, except switched access, offered by
25 a local exchange company in an exchange declared
26 competitive shall be deemed a competitive service.

27 (4) Nothing under this chapter shall be construed to
28 affect or modify:

29 (i) a right or obligation of a carrier under section
30 251 or 252 of the Communications Act of 1934 (48 Stat.

1 1105, 47 U.S.C. § 251 or § 252) and Federal
2 Communications Commission regulations implementing
3 section 251 or 252 of the Communications Act of 1934; or
4 (ii) the commission's authority to act under section
5 251 or 252 of the Communications Act of 1934.

6 (5) Within two years of the effective date of this
7 paragraph, the commission shall review and eliminate all
8 regulations, policies and orders that are contrary to this
9 chapter. In conducting the review, the commission shall, to
10 the greatest extent possible consistent with this chapter,
11 ensure that a local exchange telecommunications company is
12 not subjected to a greater regulatory burden than applies to
13 a competing alternative service provider.

14 (c) [(Reserved).] Limitations.--

15 (1) Notwithstanding any other provision of this title,
16 the commission shall not have any of the following powers and
17 duties relating to the regulation of a telecommunications
18 carrier, interexchange telecommunications carrier or
19 alternative service provider:

20 (i) To prohibit, require or direct a
21 telecommunications carrier's, interexchange
22 telecommunications carrier's or alternative service
23 provider's choice of technology for any purpose. The
24 commission shall have no authority to regulate any
25 technology utilized or service provided by a
26 telecommunications carrier or interexchange
27 telecommunications carrier that the commission did not
28 actively regulate on January 1, 2013.

29 (ii) To approve under section 1102(a)(3) and (4)
30 either of the following:

1 (A) A reorganization of or transaction between a
2 telecommunications carrier and a parent, subsidiary
3 or an affiliated entity of which at least 20% of the
4 beneficial ownership is held directly or indirectly
5 by the same person or entity.

6 (B) A sale, transfer of stock, consolidation,
7 merger, acquisition, conveyance or lease of realty or
8 personalty that does not involve the transfer of a
9 customer of a retail service classified as protected,
10 noncompetitive or competitive under this chapter.

11 (iii) To impose upon competitive services any new or
12 existing quality of service standards, including
13 standards contained in 52 Pa. Code Ch. 63 (relating to
14 telephone service).

15 (iv) To impose upon competitive services any new or
16 existing standards on billing practices or other
17 communications with retail customers, including standards
18 contained in 52 Pa. Code Ch. 64 (relating to standards
19 and billing practices for residential telephone service).

20 (v) To regulate competitive services or facilities,
21 including regulating the services under section 1102(a)
22 (2) or Chapter 15 (relating to service and facilities).

23 (vi) To audit the accounting and reporting system of
24 a telecommunications carrier relating to its transactions
25 with an affiliate under Chapter 21 (relating to relations
26 with affiliated interests) or to require the filing or
27 commission approval of affiliated interest and affiliated
28 transaction agreement of a telecommunications carrier.

29 (2) If a provision of this chapter or other law, that
30 establishes a power or duty for the commission that is

1 prohibited under paragraph (1), conflicts with paragraph (1),
2 the provisions of paragraph (1) shall control.

3 * * *

4 (f) Lifeline service.--

5 (1) All eligible telecommunications carriers
6 certificated to provide local exchange telecommunications
7 service shall provide Lifeline service to all eligible
8 telecommunications customers who subscribe to such service. A
9 telecommunications carrier may use any available technology
10 to provide Lifeline service without subjecting the technology
11 to greater commission regulation than would apply if the
12 service were provided by a company not subject to the
13 commission's jurisdiction.

14 * * *

15 [(4) Eligible telecommunications carriers shall inform
16 existing customers of the availability of Lifeline service
17 twice annually by bill insert or message. The notice shall be
18 conspicuous and shall provide appropriate eligibility,
19 benefits and contact information for customers who wish to
20 learn of the Lifeline service subscription requirements.]

21 * * *

22 (6) No eligible telecommunications carrier shall be
23 required to provide [after the effective date of this section
24 any new] a Lifeline service discount that is not fully
25 subsidized by the Federal Universal Service Fund.

26 * * *

27 Section 6. This act shall take effect in 60 days.