

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 154

Session of
1985

INTRODUCED BY LAUGHLIN, LLOYD, KUKOVICH, MILLER, DALEY,
KOSINSKI, FEE, HALUSKA, FREEMAN, TRELLO, PETRARCA, SALOOM,
AFFLERBACH, LETTERMAN, PRATT AND D. W. SNYDER, FEBRUARY 4,
1985

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 4, 1985

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, adding provisions relating to
3 telephone access charges.

4 The General Assembly finds that events occurring since the
5 divestiture of American Telephone and Telegraph Company,
6 including actions of the Federal Communications Commission, have
7 undermined one of the decree's principal assumptions and
8 purposes, that the fostering of competition in the
9 telecommunications field need not and should not be the cause of
10 increases in local telephone rates. Further, the General
11 Assembly endorses and adopts the principle of universal
12 telephone service, which is that everyone, regardless of income,
13 should have access to basic low-cost telephone service, in
14 recognition of the fact that the service is a necessity rather
15 than a luxury.

16 The General Assembly further finds that the assessment of
17 telephone access charges against residential subscribers and

1 single-line commercial subscribers, with the prospect of
2 significant escalation of the charges in the future, is
3 antithetical to the principle of universal telephone service and
4 will likely foreclose or sharply limit telephone access to many
5 low-income or otherwise needy citizens of this Commonwealth who
6 are dependent upon the telephone for many aspects of their
7 existence.

8 It is the purpose of this act to foster the principle of
9 universal telephone service and, with regard to intrastate
10 Pennsylvania telephone calls and service and access thereto, to
11 prohibit the assessment of access charges against residential
12 subscribers and single-line commercial subscribers located
13 within this Commonwealth. This General Assembly intends to the
14 fullest extent of its jurisdiction, to assure the availability
15 to all the people of this Commonwealth of affordable, reliable
16 and efficient communications services which are essential to
17 full participation in the Nation's economic, political and
18 social life.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Chapter 13 of Title 66 of the Pennsylvania
22 Consolidated Statutes is amended by adding a subchapter heading
23 and a subchapter to read:

24 CHAPTER 13

25 RATES AND RATE MAKING

26 SUBCHAPTER A

27 GENERAL PROVISIONS

28 * * *

29 SUBCHAPTER B

30 REGULATION OF TELEPHONE ACCESS CHARGES

1 Sec.

2 1331. Short title of subchapter.

3 1332. Definitions.

4 1333. Prohibition of intrastate-related access charges.

5 1334. Jurisdiction of commission.

6 1335. Universal service charge and surcharge.

7 § 1331. Short title of subchapter.

8 This subchapter shall be known and may be cited as the
9 Telephone Service Presentation Act.

10 § 1332. Definitions.

11 The following words and phrases when used in this section
12 shall have the meanings given to them in this subchapter unless
13 the context clearly indicates otherwise:

14 "Access charge." Any charge, however denominated, to a
15 residential subscriber or single-line commercial subscriber,
16 from a local telephone company, for the service of making
17 available to the subscriber the local telephone network to send
18 or receive telephone calls between or among origination and
19 termination points located solely in this Commonwealth.

20 "Interchange carrier." A carrier which provides telephone
21 communications services among points in more than one exchange
22 area.

23 "Residential subscriber." A resident of this Commonwealth
24 who subscribes to telephone service provided to a residence or
25 residential unit maintained and occupied by him in this
26 Commonwealth.

27 "Single-line commercial subscriber." A commercial enterprise
28 located in this Commonwealth and which is serviced by a local
29 telephone company with a single line as opposed to switchboard
30 or multiline connections.

1 § 1333. Prohibition of intrastate-related access charges.

2 No telephone company may assess an access charge against a
3 residential subscriber or single-line commercial subscriber with
4 respect to intrastate Pennsylvania telephone service or access
5 to such service. This prohibition shall apply to exchange
6 carriers and interexchange carriers alike.

7 § 1334. Jurisdiction of commission.

8 (a) General rule.--The commission is vested with
9 jurisdiction over the intrastate Pennsylvania aspects of the
10 operations of interexchange carriers, to a like extent as the
11 commission has and exercises jurisdiction over exchange carriers
12 and other telephone utilities within this Commonwealth. The
13 commission is directed to exercise jurisdiction and to regulate
14 the interexchange carriers to the same extent that the
15 commission has jurisdiction over and currently regulates or has
16 the power to regulate exchange carriers and other telephone
17 companies.

18 (b) Promulgation of regulations.--The commission shall, by
19 regulations subject to legislative oversight, establish rules
20 and accounting procedures to the fullest extent possible to
21 insure that interexchange carriers are correctly and properly
22 assigning costs and charges and fairly compensating exchange
23 carriers for their costs of providing exchange access to the
24 interexchange carriers.

25 § 1335. Universal service charge and surcharge.

26 (a) Establishment of schedule.--The commission shall
27 establish a schedule which provides for the collection of a
28 universal service charge that is payable by any interexchange
29 carrier or which offers, owns, operates or controls any
30 transmission facilities or services used as a substitute for

1 voice grade or equivalent transmission facilities or services
2 offered by exchange carriers. The schedule shall also provide
3 for the collection of a universal service surcharge that is
4 payable by any interexchange carrier or other person using the
5 services of exchange companies through direct or indirect
6 connection.

7 (b) Exclusion from charges.--The charge or surcharge shall
8 not apply with respect to record communications services, as
9 defined in section 222 of the Federal Communications Act of 1934
10 (Public Law 73-416, 47 U.S.C. § 222).

11 (c) Purpose of charges.--The purpose of the charge and
12 surcharge is to afford reimbursement to those exchange carriers
13 or other telephone companies which establish that they have
14 suffered a loss of revenue by their inability to assess access
15 charges against residential subscribers or single-line
16 commercial subscribers because of this subchapter, or who
17 establish that their corresponding charges and assessments
18 against multiline commercial subscribers have accordingly
19 increased to such an extent that the latter subscribers have
20 bypassed the telephone network with a substitute communications
21 system, thereby resulting in the loss of such commercial
22 subscriber revenue to the exchange carriers.

23 (d) Promulgation of regulations.--The commission shall, by
24 regulations subject to legislative oversight, establish rules
25 and procedures for the equitable assessment of the charge and
26 surcharge, for the presentation of satisfactory proof of revenue
27 loss and reimbursement entitlement by the exchange carriers and
28 for the payment of the proceeds of the charge and surcharge
29 collections to the duly entitled exchange carriers.

30 Section 2. This act shall take effect in 90 days.