

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 85 Session of 2023

INTRODUCED BY PHILLIPS-HILL, BARTOLOTTA, MARTIN, STEFANO, VOGEL, J. WARD, MASTRIANO, ROTHMAN, BAKER AND REGAN, JANUARY 12, 2023

SENATOR PENNYCUICK, COMMUNICATIONS AND TECHNOLOGY, AS AMENDED, APRIL 30, 2024

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 NETWORK <--
4 MODERNIZATION PLANS AND FOR additional powers and duties of
5 commission.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 3019(c) of Title 66 of the Pennsylvania <--
9 Consolidated Statutes is amended and the section is amended by
10 adding a subsection to read:

11 SECTION 1. SECTION 3014(B) OF TITLE 66 OF THE PENNSYLVANIA <--
12 CONSOLIDATED STATUTES IS AMENDED BY ADDING PARAGRAPHS TO READ:

13 § 3014. NETWORK MODERNIZATION PLANS.

14 \* \* \*

15 (B) OPTIONS FOR AMENDMENT OF NETWORK MODERNIZATION PLAN.--
16 LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES SHALL HAVE THE
17 FOLLOWING OPTIONS:

18 \* \* \*

1           (9) EFFECTIVE JANUARY 1, 2024, THE NETWORK MODERNIZATION  
2 PLANS OF ALL LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES  
3 SHALL BE DEEMED AMENDED TO PROVIDE THAT THE LOCAL EXCHANGE  
4 TELECOMMUNICATIONS COMPANY IS NOT REQUIRED TO MAKE BROADBAND  
5 AVAILABLE UNDER THIS CHAPTER TO ANY CUSTOMER OR LOCATION TO  
6 WHICH BROADBAND IS AVAILABLE FROM ANY OTHER PROVIDER  
7 UTILIZING ANY TECHNOLOGY.

8           (10) EFFECTIVE JANUARY 1, 2025, THE NETWORK  
9 MODERNIZATION PLANS OF ALL LOCAL EXCHANGE TELECOMMUNICATIONS  
10 COMPANIES SHALL BE DEEMED AMENDED TO PROVIDE THAT THE LOCAL  
11 EXCHANGE TELECOMMUNICATIONS COMPANY IS NOT REQUIRED TO MAKE  
12 BROADBAND AVAILABLE UNDER THIS CHAPTER TO ANY CUSTOMER OR  
13 LOCATION.

14           (11) EFFECTIVE JANUARY 1, 2025, NOTWITHSTANDING ANY  
15 OTHER PROVISIONS OF THIS TITLE OR ANY OTHER LAW, THE NETWORK  
16 MODERNIZATION PLANS OF ALL LOCAL EXCHANGE TELECOMMUNICATIONS  
17 COMPANIES SHALL BE DEEMED AMENDED TO PROVIDE AS FOLLOWS:

18           (I) TELECOMMUNICATIONS SERVICES OFFERED BY THE LOCAL  
19 EXCHANGE TELECOMMUNICATIONS COMPANY MAY BE SUPPLIED USING  
20 ANY TECHNOLOGY, PROVIDED THAT THE USE OF AN ALTERNATIVE  
21 TECHNOLOGY SHALL NOT BE CONSTRUED TO GRANT ANY ADDITIONAL  
22 JURISDICTION OR AUTHORITY TO THE COMMISSION OVER THE  
23 SERVICE OR TECHNOLOGY; AND

24           (II) THE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY  
25 SHALL NOT HAVE THE DUTY TO EXTEND, EXPAND OR CONTINUE IN  
26 PLACE ITS FACILITIES TO FURNISH TELECOMMUNICATIONS  
27 SERVICES WHEN THE CUSTOMER HAS SERVICE AVAILABLE FROM ONE  
28 OR MORE ALTERNATIVE PROVIDERS OF WIRELINE OR WIRELESS  
29 COMMUNICATIONS SERVICES.

30           \* \* \*

1 SECTION 2. SECTION 3019(C) OF TITLE 66 IS AMENDED AND THE  
2 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

3 § 3019. Additional powers and duties.

4 \* \* \*

5 (c) [(Reserved).] Streamlined regulations for  
6 telecommunications carriers.--

7 (1) Notwithstanding any other provisions of this title  
8 and subject to paragraph (2), the commission, within 30 days  
9 after the effective date of this paragraph, by order  
10 published on the commission's publicly accessible Internet  
11 website and served upon all certificated telecommunications  
12 carriers, shall permanently waive its regulations at 52 Pa.  
13 Code Ch. 53 (relating to tariffs for noncommon carriers), §§  
14 53.57 (relating to definitions), 53.58 (relating to offering  
15 of competitive services), 53.59 (relating to cost support  
16 requirements and effective filing dates for tariff filings of  
17 noncompetitive services), 53.60 (relating to promotional  
18 offerings and bundled service packages) and 53.85 (relating  
19 to paper billing fees), as well as all provisions of 52 Pa.  
20 Code Chs. 63 (relating to telecommunications service) and 64  
21 (relating to standards and billing practices for residential  
22 telecommunications service).

23 (2) The waiver of regulations under paragraph (1) shall  
24 not apply to the following provisions of 52 Pa. Code:

25 (i) Section 63.37 (relating to operation of the  
26 Telecommunications Relay Service System and Relay Service  
27 Fund).

28 (ii) Ch. 63 Subch. L (relating to universal  
29 service).

30 ~~(iii) Ch. 63 Subch. O (relating to abbreviated~~

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~~procedures for review and approval of transfer of control  
for telecommunications public utilities).~~

~~(iv) (III) Section 64.23 (relating to standardizing  
LEC responses to customer contacts alleging unauthorized  
charges added to the customer's bill (cramming) and  
unauthorized changes to the customer's long distance  
carrier (slamming)).~~ <--

(3) The regulations specified in paragraph (2) and any  
other commission regulations shall remain in effect subject  
to the commission's authority to alter, amend, waive or  
rescind the regulations according to applicable law.

(4) The commission shall promptly rescind the  
regulations waived under paragraph (1).

(5) With the exception of the regulations specified in  
paragraph (2), every three years after the effective date of  
this paragraph, the commission shall undertake a review of  
all regulations, ORDERS, REQUIREMENTS AND POLICY STATEMENTS  
applicable to telecommunications carriers and shall rescind  
regulations, ORDERS, REQUIREMENTS AND POLICY STATEMENTS that  
are no longer necessary or in the public interest. If the  
commission promulgates any new regulation OR REQUIREMENT  
applicable to telecommunications carriers, then the new  
regulation OR REQUIREMENT must be supported by factual  
findings and determinations, based on an evidentiary record,  
demonstrating need for the regulation given the emergence of  
new industry participants, technological changes, electronic  
means for billing and customer notices, costs of compliance,  
consumer preference, the competitive market for  
telecommunications services and that the benefits of the  
regulation outweigh the cost to comply with and enforce the <--

1 regulation.

2 (6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A <--  
3 TELECOMMUNICATIONS CARRIER MAY NOT BE REQUIRED TO OBTAIN,  
4 AMEND OR ABANDON A CERTIFICATE OF PUBLIC CONVENIENCE RELATED  
5 TO CHAPTERS 11 (RELATING TO CERTIFICATES OF PUBLIC  
6 CONVENIENCE) AND 19 (RELATING TO SECURITIES AND OBLIGATIONS),  
7 AND A TELECOMMUNICATIONS CARRIER MAY NOT BE REQUIRED TO  
8 OBTAIN COMMISSION APPROVAL OF A TRANSACTION IF THE  
9 TELECOMMUNICATIONS CARRIER OR AN AFFILIATE THEREOF FILES A  
10 RELATED APPLICATION WITH THE FEDERAL COMMUNICATIONS  
11 COMMISSION AND IF THE TELECOMMUNICATIONS CARRIER PROVIDES  
12 WRITTEN NOTICE TO THE COMMISSION OF ITS FILING WITH THE  
13 FEDERAL COMMUNICATIONS COMMISSION. COMMISSION APPROVAL SHALL  
14 BE DEEMED TO BE HAD AND OBTAINED BY OPERATION OF LAW 30  
15 CALENDAR DAYS AFTER THE FILING OF WRITTEN NOTICE WITH THE  
16 COMMISSION.

17 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE,  
18 THE COMMISSION SHALL HAVE NO JURISDICTION OVER AND SHALL NOT  
19 REGULATE ANY VOICE-OVER-INTERNET PROTOCOL SERVICE OR INTERNET  
20 PROTOCOL-ENABLED SERVICE, AS THOSE TERMS ARE DEFINED IN  
21 SECTION 3 OF THE ACT OF JULY 4, 2008 (P.L.627, NO.52), KNOWN  
22 AS THE VOICE-OVER-INTERNET PROTOCOL FREEDOM ACT, OR ANY OTHER  
23 BROADBAND OR INTERNET ACCESS SERVICE, INCLUDING THE  
24 FACILITIES USED TO PROVIDE THE SERVICES.

25 (c.1) Issues, disputes and appointments.--The following  
26 shall apply:

27 (1) If a customer of a retail voice service within the  
28 commission's jurisdiction contacts the commission with an  
29 issue or dispute with the customer's local exchange  
30 telecommunications company, the commission shall forward

1 relevant information to a local exchange telecommunications  
2 company-maintained email address. The local exchange  
3 telecommunications company shall begin an investigation and  
4 make a good faith effort to resolve the issue or dispute in a  
5 manner satisfactory to both parties. In the event the issue  
6 or dispute is not resolved within 30 days, the local exchange  
7 telecommunications company shall inform the commission and  
8 the commission shall advise the customer of the option to  
9 pursue mediation before the commission.

10 (2) For a service installation or repair appointment for  
11 voice service within the commission's jurisdiction, the local  
12 exchange telecommunications company shall make a good faith  
13 effort to establish a mutually agreeable date and appointment  
14 window with the customer. The local exchange  
15 telecommunications company shall keep the appointment unless  
16 the customer is given advance notice that a change to the  
17 appointment is necessary.

18 \* \* \*

19 Section 2 3. This act shall take effect in 60 days.

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