

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1000 Session of
2007

INTRODUCED BY WONDERLING, C. WILLIAMS, CORMAN, ORIE, GREENLEAF,
ERICKSON, RAFFERTY, FUMO, PICCOLA, FOLMER, KITCHEN, BROWNE,
MELLOW, O'PAKE, FONTANA, WASHINGTON, MADIGAN, McILHINNEY,
COSTA AND HUGHES, AUGUST 6, 2007

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, AUGUST 6, 2007

AN ACT

1 Prohibiting the regulation of voice over Internet protocol and
2 other Internet protocol-enabled products and services; and
3 providing for preservation of consumer protection, for fees
4 and rates and for preservation of cable franchise authority.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Voice Over
9 Internet Protocol Freedom Act of 2007.

10 Section 2. Legislative findings.

11 The General Assembly finds and declares as follows:

12 (1) Growth and enhancement of services using Internet
13 protocol technology provide Pennsylvania consumers more
14 choice in voice, data and video service than at any other
15 time.

16 (2) The proliferation of new technologies and
17 applications and a growing number of providers developing and
18 offering innovative services using Internet protocol is due

1 in large part to little regulation, including freedom from
2 regulations governing traditional telephone service, that
3 these new technologies and the companies that offer them have
4 enjoyed in this Commonwealth. The economic benefits,
5 including consumer choice, new jobs and significant capital
6 investment, will be jeopardized and competition minimized by
7 the imposition of traditional State entry and rate regulation
8 on voice over Internet protocol and Internet protocol-enabled
9 services.

10 Section 3. Definitions.

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

14 "IP." Internet protocol.

15 "Internet protocol-enabled service" or "IP-enabled service."

16 A service, capability, functionality or application provided
17 using Internet protocol or any successor protocol that enables
18 an end user to send or receive a communication in Internet
19 protocol format or any successor format, regardless of whether
20 the communication is voice, data or video.

21 "Voice-over-Internet protocol service" or "VoIP service." A
22 service that:

23 (1) Enables real-time, two-way voice communications that
24 originate or terminate from the user's location in Internet
25 protocol or any successor protocol.

26 (2) Uses a broadband connection from the user's
27 location.

28 The term includes any service that permits users generally to
29 receive calls that originate on the public switched telephone
30 network and to terminate calls to the public switched telephone

1 network.

2 Section 4. Prohibition on IP services regulation.

3 Notwithstanding any other provision of law, no department,
4 agency, commission or political subdivision of the Commonwealth
5 may enact or enforce, either directly or indirectly, any law,
6 rule, regulation, standard, order or other provision having the
7 force or effect of law that regulates, or has the effect of
8 regulating, the rates, terms and conditions of VoIP service or
9 IP-enabled service.

10 Section 5. Preservation of consumer protection.

11 Nothing in this act shall be construed to affect the
12 application or enforcement of laws or regulations that apply
13 generally to consumer protection or unfair or deceptive trade
14 practices.

15 Section 6. Fees and rates.

16 Nothing in this act shall be construed to either mandate or
17 prohibit the assessment of nondiscriminatory enhanced 911 fees,
18 telecommunications relay service fees or Federal or State
19 Universal Service Fund fees on VoIP service or IP-enabled
20 service, or to mandate or prohibit the payment of any switched
21 network access rates or other intercarrier compensation rates
22 that may be determined to apply.

23 Section 7. Preservation of cable franchise authority.

24 Nothing in this act shall be construed to affect the
25 authority of the Commonwealth or its political subdivisions,
26 including municipalities, to require a cable operator to obtain
27 franchises to provide cable service within such political
28 subdivisions pursuant to section 541(b)(1) of the Cable
29 Communications Policy Act of 1984 (Public Law 98-549, 98 Stat.
30 2779).

1 Section 8. Effective date.

2 This act shall take effect immediately.