

## 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

SENATOR WONDERLING, COMMUNICATIONS AND TECHNOLOGY, AS AMENDED,  
OCTOBER 24, 2007

## AN ACT

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

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the ~~Voice Over~~ <—  
10 ~~Internet~~ VOICE-OVER-INTERNET Protocol Freedom Act of 2007. <—

11 Section 2. Legislative findings.

12 The General Assembly finds and declares as follows:

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

17 (2) The proliferation of new technologies and  
18 applications and a growing number of providers developing and

offering innovative services using Internet protocol is due in large part to little regulation, including freedom from regulations governing traditional telephone service, that these new technologies and the companies that offer them have enjoyed in this Commonwealth. The economic benefits, including consumer choice, new jobs and significant capital investment, will be jeopardized and competition minimized by the imposition of traditional State entry and rate regulation on ~~voice over Internet~~ VOICE-OVER-INTERNET protocol and Internet protocol-enabled services.

### Section 3. Definitions.

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

"IP." Internet protocol.

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

~~A~~ EXCEPT AS PROVIDED IN THE DEFINITION HEREIN OF "VOICE-OVER-INTERNET PROTOCOL SERVICE," A service, capability, functionality or application provided using Internet protocol or any successor protocol that enables an end user to send or receive a communication in Internet protocol format or any successor format, regardless of whether the communication is voice, data or video.

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

(1) ~~Enables~~ ENABLES real-time, two-way voice communications that originate or terminate from the user's location in Internet protocol or any successor protocol;

(2) ~~Uses~~ USES a broadband connection from the user's location.

1 ~~The term includes any service that permits users generally to~~

2 LOCATION; AND

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3 (3) PERMITS USERS GENERALLY TO receive calls that  
4 originate on the public switched telephone network and to  
5 terminate calls to the public switched telephone network.

6 Section 4. Prohibition on IP services regulation.

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

14 Section 5. Preservation of consumer protection.

15 Nothing in this act shall be construed to affect the  
16 application or enforcement of laws or regulations that apply  
17 generally to consumer protection or unfair or deceptive trade  
18 practices.

19 Section 6. Fees and rates.

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

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27 Section 7. Preservation of cable franchise authority.

28 Nothing in this act shall be construed to affect the  
29 authority of the Commonwealth or its political subdivisions,  
30 including municipalities, to require a cable operator to obtain

1 franchises to provide cable service within such political  
2 subdivisions pursuant to section 541(b)(1) of the Cable  
3 Communications Policy Act of 1984 (Public Law 98-549, 98 Stat.  
4 2779).

5 Section 8. Effective date.

6 This act shall take effect immediately.