

## HOUSE BILL No. 2563

By Representative Sloan

1-29

1 AN ACT concerning telecommunications; relating to the Kansas universal  
2 service fund; relating to contributions from advanced  
3 telecommunications providers; capping distributions for certain  
4 telecommunications providers; creating the rural broadband  
5 deployment and maintenance account in the Kansas universal service  
6 fund; authorizing expenditures from the rural broadband deployment  
7 and maintenance account; amending K.S.A. 66-2011 and K.S.A. 2017  
8 Supp. 66-1,187, 66-2008 and 66-2010 and repealing the existing  
9 sections.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 2017 Supp. 66-1,187 is hereby amended to read as  
13 follows: 66-1,187. As used in this act:

14 (a) "Broadband" means the transmission of digital signals at rates  
15 equal to or greater than 1.5 megabits per second.

16 (b) "CLASS services" means custom local area signaling services,  
17 which include automatic callback, automatic recall, calling number  
18 identification, selective call rejection, selective call acceptance, selective  
19 call forwarding, distinctive ringing and customer originated trace.

20 (c) "Commission" means the state corporation commission.

21 (d) "Dialing parity" means that a person that is not an affiliate of a  
22 local exchange carrier is able to provide telecommunications services in  
23 such a manner that customers have the ability to route automatically,  
24 without the use of any access code, their telecommunications to the  
25 telecommunications carrier of the customer's designation from among two  
26 or more telecommunications carriers, including such local exchange  
27 carrier.

28 (e) "Federal act" means the federal telecommunications act of 1996,  
29 P.L. 104-104 (amending the communications act of 1934, 47 U.S.C. § 151  
30 et seq.)

31 (f) "ISDN" means integrated services digital network which is a  
32 network and associated technology that provides simultaneous voice and  
33 data communications over a single communications channel.

34 (g) "LATA" has the meaning ascribed to it in the federal act.

35 (h) "Local exchange carrier" means any telecommunications public  
36 utility or its successor, not to include an electing carrier, providing

1 switched telecommunications service within any local exchange service  
2 area, as approved by the commission on or before January 1, 1996.  
3 However, with respect to the Hill City exchange area, in which multiple  
4 carriers were certified by the commission prior to January 1, 1996, the  
5 commission's determination, subject to any court appeals, of which  
6 authorized carrier shall serve as the carrier of last resort will determine  
7 which carrier shall be deemed the local exchange carrier for that exchange.

8 (i) "Number portability" has the meaning ascribed to it in the federal  
9 act.

10 (j) "1+ intraLATA dialing parity" means the ability of a local  
11 exchange service customer to specify the telecommunications or local  
12 exchange carrier that will carry the intraLATA long distance messages  
13 when that customer dials either "1" or "0" plus a 10-digit number.

14 (k) "Operating area" means:

15 (1) In the case of a rural telephone company, operating area or service  
16 area means such company's study area or areas as approved by the federal  
17 communications commission;

18 (2) in the case of a local exchange carrier, other than a rural telephone  
19 company, operating area or service area means such carrier's local  
20 exchange service area or areas as approved by the commission.

21 (l) "Rural telephone company" has the meaning ascribed to it in the  
22 federal act, excluding any local exchange carrier which together with all of  
23 its affiliates has 20,000 or more access lines in the state.

24 (m) "Telecommunications carrier" means a corporation, company,  
25 individual, association of persons, their trustees, lessees or receivers that  
26 provides a telecommunications service, including, but not limited to,  
27 interexchange carriers and competitive access providers, but not including  
28 local exchange carriers certified before January 1, 1996.

29 (n) "Telecommunications public utility" means any public utility, as  
30 defined in K.S.A. 66-104, and amendments thereto, which owns, controls,  
31 operates or manages any equipment, plant or generating machinery, or any  
32 part thereof, for the transmission of telephone messages, as defined in  
33 K.S.A. 66-104, and amendments thereto, or the provision of  
34 telecommunications services in or throughout any part of Kansas.

35 (o) "Telecommunications service" means the provision of a service  
36 for the transmission of telephone messages, or two-way video or data  
37 messages.

38 (p) "Universal service" means telecommunications services and  
39 facilities which include: single party, two-way voice grade calling; stored  
40 program controlled switching with vertical service capability; E-911  
41 capability; tone dialing; access to operator services; access to directory  
42 assistance; and equal access to long distance services.

43 (q) "Enhanced universal service" means telecommunications services,

1 in addition to those included in universal service, which shall include:  
2 Signaling system seven capability, with CLASS service capability; basic  
3 and primary rate ISDN capability, or the technological equivalent; full-  
4 fiber interconnectivity, or the technological equivalent, between central  
5 offices; and broadband capable facilities to: All schools accredited  
6 pursuant to K.S.A. 72-3214 et seq., and amendments thereto; hospitals as  
7 defined in K.S.A. 65-425, and amendments thereto; public libraries; and  
8 state and local government facilities which request broadband services.

9 (r) *"Advanced telecommunications provider"* means an entity that  
10 provides broadband internet service or an entity that is a content provider.

11 (s) *"Advanced telecommunications service"* means the provision of  
12 broadband internet service or any subscription-based voice, data,  
13 graphics or video services provided by a content provider.

14 (t) *"Broadband internet service"* means a retail service that utilizes  
15 broadband facilities to allow end users to originate and receive data from  
16 all or substantially all internet endpoints without regard to delivery  
17 technology.

18 (w) *"Content provider"* means any entity that utilizes broadband  
19 facilities to offer and provide retail subscription-based voice, data,  
20 graphics or video services to customers of such content provider and  
21 generates intrastate net retail revenues of \$500,000 or more from such  
22 services.

23 Sec. 2. K.S.A. 2017 Supp. 66-2008 is hereby amended to read as  
24 follows: 66-2008. On or before January 1, 1997, the commission shall  
25 establish the Kansas universal service fund, hereinafter referred to as the  
26 KUSF.

27 (a) The commission shall require every *advanced*  
28 *telecommunications provider*; telecommunications carrier,  
29 telecommunications public utility and wireless telecommunications service  
30 provider that provides intrastate telecommunications services *or advanced*  
31 *telecommunications services* and, to the extent not prohibited by federal  
32 law, every provider of interconnected VoIP service, as defined by 47  
33 C.F.R. 9.3, to contribute to the KUSF based upon the provider's intrastate  
34 *advanced telecommunications services* and telecommunications services  
35 net retail revenues on an equitable and nondiscriminatory basis. *Except for*  
36 *advanced telecommunications services*, the commission shall not require  
37 any provider to contribute to the KUSF under a different contribution  
38 methodology than such provider uses for purposes of the federal universal  
39 service fund, including for bundled offerings. Any *advanced*  
40 *telecommunications provider*; telecommunications carrier,  
41 telecommunications public utility, wireless telecommunications service  
42 provider or provider of interconnected VoIP service which contributes to  
43 the KUSF may collect from customers an amount equal to such carrier's,

1 utility's or provider's contribution, but such carrier, provider or utility may  
2 collect a lesser amount from its customer.

3 *Except as provided in subsection (c)(6) through (8), any contributions*  
4 *in excess of distributions collected in any reporting year shall be applied to*  
5 *reduce the estimated contribution that would otherwise be necessary for*  
6 *the following year.*

7 (b) Pursuant to the federal act, distributions from the KUSF shall be  
8 made in a competitively neutral manner to qualified telecommunications  
9 public utilities, telecommunications carriers and wireless  
10 telecommunications providers, that are deemed eligible both under  
11 subsection (e)(1) of section 214 of the federal act and by the commission.

12 (c) Beginning ~~January 1, 2014~~ *March 1, 2019, and subject to the cap*  
13 *pursuant to paragraph (7):*

14 (1) Annual distributions from the KUSF for a local exchange carrier  
15 subject to price cap regulation pursuant to K.S.A. 66-2005, and  
16 amendments thereto, shall be capped at the lesser of:

17 (A) 90% of KUSF support the carrier received for the 12-month  
18 period ending February 28, 2013; or

19 (B) \$11,400,000.

20 The amounts prescribed in subparagraph (A) or (B) shall not include  
21 KUSF support for Kansas lifeline service program purposes, pursuant to  
22 K.S.A. 66-2006, and amendments thereto.

23 (2) Local exchange carriers subject to price cap regulation pursuant to  
24 K.S.A. 66-2005, and amendments thereto, shall not receive KUSF support  
25 for any residential or business lines within an exchange that the  
26 commission has granted price deregulation pursuant to K.S.A. 66-2005(q)  
27 (1)(B), (C) or (D), and amendments thereto, except for areas within any  
28 census block in such an exchange in which there is no wireline carrier  
29 providing local exchange access lines that does not receive KUSF support,  
30 not including KUSF support for Kansas lifeline service program purposes  
31 pursuant to K.S.A. 66-2006, and amendments thereto, for such access  
32 lines.

33 (3) Local exchange carriers subject to price cap regulation pursuant to  
34 K.S.A. 66-2005, and amendments thereto, shall receive the same per line,  
35 per month KUSF support as established in the April 13, 2000 notice in  
36 commission docket numbers 99-GIMT-326-GIT and 00-GIMT-236-GIT  
37 subject to the cap percentage in subsection (c)(1), not including KUSF  
38 support for Kansas lifeline service program purposes pursuant to K.S.A.  
39 66-2006, and amendments thereto, except that the amount shall be reduced  
40 by any funding received by such carrier from the federal communication  
41 commission's connect America fund II for the same household, if feasible,  
42 or for the same census block.

43 (4) The commission shall discontinue the use of the "identical

1 support" rule and shall cap all competitive eligible telecommunications  
2 carriers' KUSF high cost support as of March 1, 2013, and beginning  
3 March 1, 2014, over a period of four years in annual equal increments,  
4 reduce to zero, beginning March 1, 2018, the amount of KUSF high cost  
5 support received by competitive eligible telecommunications carriers.  
6 Nothing in this section shall be construed to affect competitive eligible  
7 telecommunications carriers' eligibility for Kansas lifeline service program  
8 purposes pursuant to K.S.A. 66-2006, and amendments thereto. For the  
9 purposes of this subsection, "competitive eligible telecommunications  
10 carrier" means a telecommunications carrier designated by the commission  
11 as an eligible telecommunications carrier after January 1, 1998.  
12 "Competitive eligible telecommunications carrier" shall not mean any  
13 local exchange carrier or any electing carrier designated by the  
14 commission as an eligible telecommunications carrier by order dated  
15 December 5, 1997, in docket No. 98-GIMIT-241-GIT, or any such local  
16 exchange carrier's or electing carrier's successors or assigns.

17 (5) An electing carrier shall no longer be eligible to receive high cost  
18 support from the KUSF.

19 (6) *On and after March 1, 2019, the total annual amount of*  
20 *contributions required to be made by all telecommunications carriers,*  
21 *telecommunications public utilities, wireless telecommunications service*  
22 *providers and providers of interconnected VoIP service shall be greater*  
23 *than or equal to the total amount of contributions made by all such*  
24 *carriers, utilities and providers between March 1, 2017, and March 1,*  
25 *2018.*

26 (7) (A) *The commission shall cap all eligible telecommunications*  
27 *carriers' KUSF support at an amount based upon the amount of KUSF*  
28 *support received by eligible telecommunications carriers between March*  
29 *1, 2017, and March 1, 2018:*

- 30 (i) *On and after March 1, 2019, 90% of such KUSF support;*  
31 (ii) *on and after March 1, 2020, 85% of such KUSF support;*  
32 (iii) *on and after March 1, 2021, 80% of such KUSF support; and*  
33 (iv) *on and after March 1, 2022, 75% of such KUSF support.*

34 (B) *In any year that the total KUSF support for such carriers would*  
35 *exceed the caps provided in this paragraph, each carrier's KUSF support*  
36 *shall be proportionately based on the amount of support each such carrier*  
37 *would have received absent the cap.*

38 (8) *All contributions made by telecommunications carriers,*  
39 *telecommunications public utilities, wireless telecommunications service*  
40 *providers and providers of interconnected VoIP service pursuant to*  
41 *paragraph (6) that exceed the total capped distribution amounts provided*  
42 *in paragraph (7) shall be deposited in the KUSF and credited to the rural*  
43 *broadband deployment and maintenance account created pursuant to*

1 *subsection (h).*

2 (d) (1) Subject to paragraph (2), the commission may periodically  
3 review the KUSF to determine if the costs of qualified telecommunications  
4 public utilities, telecommunications carriers and wireless  
5 telecommunications service providers to provide local service justify  
6 modification of the KUSF. If the commission determines that any changes  
7 are needed, the commission shall modify the KUSF accordingly and  
8 annually report such changes to the senate standing committee on utilities  
9 and the house standing committee on utilities and telecommunications.

10 (2) The commission shall undertake a review of the capped amount of  
11 KUSF support available for each local exchange carrier operating under  
12 price cap regulation that receives such support, not including Kansas  
13 lifeline service program purposes pursuant to K.S.A. 66-2006, and  
14 amendments thereto, and determine if a lesser amount is appropriate for  
15 KUSF distributions after March 1, 2019. Reviews of such carriers shall be  
16 based on the forward-looking costs of providing basic voice service, using  
17 inputs that reflect the actual geography being served and that reflect the  
18 scale and scope of the local exchange carrier providing basic local voice  
19 service within each exchange.

20 (e) (1) For each local exchange carrier electing pursuant to K.S.A.  
21 66-2005(b), and amendments thereto, to operate under traditional rate of  
22 return regulation, all KUSF support, including any adjustment thereto  
23 pursuant to this section, shall ensure the reasonable opportunity for  
24 recovery of such carrier's intrastate embedded costs, revenue requirements,  
25 investments and expenses, subject to the annual cap established pursuant  
26 to ~~subsection~~ *subsections (c)(7) and (e)(3)*. Any modification of such  
27 support shall be made only as a direct result of changes in those factors  
28 enumerated in this subsection. Nothing in this subsection shall prohibit the  
29 commission from conducting a general investigation regarding effects of  
30 federal universal service reform on KUSF support and the  
31 telecommunications public policy of the state of Kansas as expressed in  
32 K.S.A. 66-2001, and amendments thereto. The commission may present  
33 any findings and recommendations to the telecommunications study  
34 committee established in K.S.A. 2017 Supp. 66-2018, and amendments  
35 thereto.

36 (2) Notwithstanding any other provision of law, no KUSF support  
37 received by a local exchange carrier electing pursuant to K.S.A. 66-  
38 2005(b), and amendments thereto, to operate under traditional rate of  
39 return regulation shall be used to offset any reduction of federal universal  
40 service fund support for recovery of such carrier's interstate costs and  
41 investments.

42 (3) Notwithstanding any other provision of law, the total KUSF  
43 distributions, not to include KUSF support for Kansas lifeline service

1 program purposes, pursuant to K.S.A. 66-2006, and amendments thereto,  
2 made to all local exchange carriers operating under traditional rate of  
3 return regulation pursuant to K.S.A. 66-2005(b), and amendments thereto,  
4 shall not exceed an annual \$30,000,000 cap. In any year that the total  
5 KUSF support for such carriers would exceed the annual cap, each  
6 carrier's KUSF support shall be proportionately based on the amount of  
7 support each such carrier would have received absent the cap. A waiver of  
8 the cap shall be granted based on a demonstration by a carrier that such  
9 carrier would experience significant hardship due to force majeure or  
10 natural disaster as determined by the commission.

11 (f) Additional supplemental funding from the KUSF, other than as  
12 provided in subsection (e), may be authorized at the discretion of the  
13 commission. However, the commission may require approval of such  
14 funding to be based upon a general rate case filing. With respect to any  
15 request for additional supplemental funding from the KUSF and to any  
16 audit of a rural telephone company's KUSF support, the commission shall  
17 act expeditiously, and shall be subject to the 240-day deadline for rate case  
18 applications pursuant to K.S.A. 66-117, and amendments thereto.

19 (g) *Each provider of advanced telecommunications service shall*  
20 *contribute to the KUSF based upon the provider's intrastate advanced*  
21 *telecommunications services net retail revenues. The KUSF administrator*  
22 *shall set contribution rates for advanced telecommunications services*  
23 *based upon the projected obligations of the rural broadband deployment*  
24 *and maintenance account. The administrator may set different*  
25 *contribution rates for content providers and providers of broadband*  
26 *internet service, except that each individual rate shall be equitable and*  
27 *nondiscriminatory for all such content providers or providers of*  
28 *broadband internet service. All moneys contributed to the KUSF for the*  
29 *provision of advanced telecommunications services pursuant to this*  
30 *subsection shall be deposited in the KUSF and credited to the rural*  
31 *broadband deployment and maintenance account.*

32 (h) *The commission shall establish and maintain within the KUSF a*  
33 *rural broadband deployment and maintenance account to be administered*  
34 *by the KUSF administrator selected pursuant to K.S.A. 66-2010, and*  
35 *amendments thereto. Moneys credited to the rural broadband deployment*  
36 *and maintenance account shall only be expended in accordance with the*  
37 *provisions of this section.*

38 (i)(I) *Advanced telecommunications providers may submit*  
39 *applications to the KUSF administrator for assistance from the rural*  
40 *broadband deployment and maintenance account to deploy and maintain*  
41 *broadband service in rural areas. As used in this subsection:*

42 (A) *"Broadband service" means a retail service that provides high-*  
43 *speed internet access capability and enables a subscriber to the service to*

1 originate and receive high-quality voice, data, graphics and video, without  
2 regard to delivery technology and: (i) Is capable of minimum download  
3 speeds of 25 megabits per second and minimum upload speeds of three  
4 megabits per second; (ii) provides an average latency of less than 100  
5 milliseconds to enable the use of real time communications; and (iii)  
6 provides subscribers with a minimum monthly data allowance of 150  
7 gigabytes per month.

8 (B) "Rural area" means a county with an average population density  
9 of less than 100 persons per square mile, excluding the county seat, and  
10 that is not served by broadband service with the minimum speeds or is  
11 served by broadband service, but less than 10% of the population in such  
12 county has access to such broadband service.

13 (2) Applications for assistance shall provide: (A) The geographic  
14 area and number of customers to be served; (B) the time it will take to  
15 construct the necessary infrastructure to serve the prospective customers;  
16 (C) customer commitments including, but not limited to, proposed efforts  
17 to sign service contracts with prospective customers within the geographic  
18 area, preconstruction petitions, deposits or other forms of customer  
19 commitments; and (D) such other requirements as the commission deems  
20 necessary or appropriate.

21 (3) Applicants shall be required to demonstrate that requested  
22 assistance from the rural broadband deployment and maintenance account  
23 is not more than 60% of the total cost of the proposed project at the time  
24 the application is submitted to the KUSF administrator.

25 (4) If multiple applicants submit applications to serve the same  
26 geographic area's customers, the KUSF administrator shall give  
27 preference to: (A) Providers with proven records of successful  
28 development and deployment of rural broadband services; (B)  
29 applications that request the least amount of money to serve such  
30 geographic area; and (C) any other criteria that the KUSF administrator  
31 deems appropriate.

32 (5) Advanced telecommunications providers that are awarded  
33 assistance funds from the rural broadband deployment and maintenance  
34 account shall be reimbursed by the KUSF administrator upon submission  
35 of verifiable invoices for infrastructure deployment and maintenance costs  
36 up to the amount approved in such carrier's application by the KUSF  
37 administrator.

38 (6) To be eligible for assistance from the broadband deployment and  
39 maintenance account, an application for assistance shall include plans to  
40 be completed within five years from the date such application is approved  
41 by the KUSF administrator.

42 (7) The KUSF administrator shall allocate 5% of the total amount  
43 that is collected and credited to the broadband deployment and



1 *maintenance account in each year for distribution to county extension*  
2 *councils and extension districts created pursuant to article 6 of chapter 2*  
3 *of the Kansas Statutes Annotated, and amendments thereto. Such amount*  
4 *shall be allocated to county extension councils and extension districts on*  
5 *an equitable and nondiscriminatory basis to provide support to broadband*  
6 *service providers to increase customer take rates. County extension*  
7 *councils and extension districts may support more than one broadband*  
8 *service provider, but shall give priority to those providers that are*  
9 *receiving funds from the broadband deployment and maintenance account.*

10 *(8) The commission may promulgate any necessary rules and*  
11 *regulations to implement and administer the provisions of this subsection.*

12 Sec. 3. K.S.A. 2017 Supp. 66-2010 is hereby amended to read as  
13 follows: 66-2010. (a) The commission shall utilize a competitive bidding  
14 process to select a neutral, competent and bonded third party to administer  
15 the KUSF.

16 (b) The administrator shall be responsible for: (1) Collecting and  
17 auditing all relevant information from all qualifying *advanced*  
18 *telecommunications providers*, telecommunications public utilities,  
19 telecommunications carriers or wireless telecommunications service  
20 providers receiving funds from or providing funds to the KUSF; (2)  
21 verifying, based on the calculations of each qualifying *advanced*  
22 *telecommunications provider*, telecommunications carrier,  
23 telecommunications public utility or wireless telecommunications service  
24 provider, the obligation of each such qualifying carrier, utility or provider  
25 to generate the funds required by the KUSF; (3) collecting all moneys due  
26 to the KUSF from all *advanced telecommunications providers*,  
27 telecommunications public utilities, telecommunications carriers and  
28 wireless telecommunications service providers in the state; ~~and~~ (4)  
29 distributing amounts on a monthly basis due to qualifying  
30 telecommunications public utilities, wireless telecommunications service  
31 providers and telecommunications carriers receiving KUSF funding; (5)  
32 *accepting applications for assistance from the broadband deployment and*  
33 *maintenance account in the KUSF, approving or denying applications and*  
34 *distributing approved assistance amounts to eligible telecommunications*  
35 *providers and advanced telecommunications providers from such account;*  
36 *and (6) disbursing funds from the broadband deployment and maintenance*  
37 *account to county extension councils and extension districts pursuant to*  
38 *K.S.A. 66-2008(i)(7), and amendments thereto.*

39 (c) Any information made available or received by the administrator  
40 from carriers, utilities or providers receiving funds from or providing  
41 funds to the KUSF shall not be subject to any provisions of the Kansas  
42 open records act and shall be considered confidential and proprietary.

43 (d) The administrator shall be authorized to maintain an action to

1 collect any funds owed by any *advanced telecommunications provider*,  
2 telecommunications carrier, public utility or wireless telecommunications  
3 provider in the district court in the county of the registered office of such  
4 carrier, utility or provider or, if such carrier, utility or provider does not  
5 have a registered office in the state, such an action may be maintained in  
6 the county where such carrier's, utility's or provider's principal office is  
7 located. If such carrier, utility or provider has no principal office in the  
8 state, such an action may be maintained in the district court of any county  
9 in which such carrier, utility or provider provides service.

10 (e)-(H) The KUSF administrator shall be responsible to ensure that  
11 funds do not fall below the level necessary to pay all amounts collectively  
12 owed to all qualifying *advanced telecommunications carriers*,  
13 telecommunications public utilities, wireless telecommunications service  
14 providers and telecommunications carriers. *The KUSF administrator shall*  
15 *be responsible to ensure that total annual contributions do not fall below*  
16 *the amount of contributions required pursuant to K.S.A. 66-2008(c)(6),*  
17 *and amendments thereto.* The administrator shall have the authority to  
18 retain and invest in a prudent and reasonable manner any excess funds  
19 collected in any period to help ensure that adequate funds are available to  
20 cover amounts payable in other periods.

21 ~~(2) Subject to the provisions of appropriations acts, for fiscal year~~  
22 ~~2013, the KUSF administrator may transfer moneys from the KUSF to the~~  
23 ~~state treasurer. Upon the receipt of any payment, the state treasurer shall~~  
24 ~~deposit the entire amount in the state treasury and credit it to the KAN-ED~~  
25 ~~fund. Any such payments shall be made after all payments required by~~  
26 ~~K.S.A. 66-2008, and amendments thereto, for the month are made from~~  
27 ~~the KUSF.~~

28 Sec. 4. K.S.A. 66-2011 is hereby amended to read as follows: 66-  
29 2011. (a) As used in this section, "the internet" means the international  
30 network of interconnected government, educational, and commercial  
31 computer networks. An "internet service provider" means an entity that  
32 provides end user access to the internet. *Except as provided in K.S.A. 66-*  
33 *2008, and amendments thereto, pertaining to the Kansas universal service*  
34 *fund*, nothing in this section shall be construed to mean that the  
35 commission has any regulatory jurisdiction over internet service providers.  
36 The provisions of this section apply only to those locations of the state  
37 where local (7-digit) internet access, which supports at least 14.4 kilobits  
38 per second service with no more than 5% blockage during the busiest hour  
39 of the service, is not available on or after October 1, 1996.

40 (b) On or after July 1, 1996 and prior to October 1, 1996, rural  
41 telephone companies shall file concurring tariffs to offer internet access in  
42 locations identified in subsection (a) to an intraLATA internet service  
43 provider of the customer's choice. All rural telephone companies, including

1 local exchange carriers pursuant to subsection (c), shall provide dial-up  
2 access to support at least 14.4 kilobit per second service ubiquitously  
3 throughout the exchange service area, with 19.2 kilobit per second service  
4 on and after July 1, 1999. The commission shall increase the 19.2 kilobit  
5 per second requirement when the commission determines that more  
6 advanced technology is both technically and economically feasible.

7 (c) On or after July 1, 1996 and prior to October 1, 1996, all local  
8 exchange carriers, other than rural telephone companies, shall file tariffs  
9 with the commission for two flat-rate dial-up plans, which would provide  
10 internet access in locations identified in subsection (a) to an intraLATA  
11 internet service provider of the customer's choice. All such plans shall be  
12 approved by the commission if they meet the criteria established in this  
13 section. The first plan includes: (1) For off-peak users, a monthly rate of  
14 not more than \$15 per line for the hours of 5 p.m. through 7:59 a.m.  
15 weekdays and all hours on weekends and federal holidays. Calls placed  
16 outside this specified off-peak period shall be billed at prevailing toll  
17 rates; and (2) for unlimited usage, the rate shall not exceed \$30 per line  
18 per month. The commission shall waive imputation considerations in  
19 reviewing and approving these service offerings.

20 (d) If a location was previously eligible for the plans provided in  
21 subsection (c) and a new internet service provider establishes a local  
22 presence in that location, the local exchange carrier serving the location  
23 shall:

24 (1) Notify all subscribers of the discounted internet access service  
25 that a local internet service provider is now available;

26 (2) continue to make the discounted internet access service available  
27 to existing subscribers of such service with no deterioration of such  
28 service; and

29 (3) allow no new subscribers of the discounted internet access  
30 service.

31 (e) *Except as provided in K.S.A. 66-2008, and amendments thereto,*  
32 *pertaining to the Kansas universal service fund,* nothing in this section  
33 shall be construed to imply that the commission has any regulatory  
34 jurisdiction over the internet or internet service providers with respect to  
35 quality of service, rates, billing and collection practices, end-to-end  
36 bandwidth, technical support or any other aspects of the business of  
37 providing internet access service. However, the commission shall monitor  
38 the adequacy of connectivity to internet service providers. Upon  
39 complaints of inadequate access, commission staff shall request a seven-  
40 day traffic busy line study from the local exchange carrier serving the  
41 internet service provider. Commission staff shall analyze the study results  
42 to determine whether there is more than 5% access blockage and shall  
43 provide the analysis to the internet service provider for consideration and

1 possible action. If the analysis indicates a need for additional capacity and  
2 the internet service provider fails to take a corrective action within 45 days  
3 after the analysis is provided to such provider by the commission staff, the  
4 internet service provider shall be removed from the commission's internet  
5 service provider registry and subscribers of such internet service  
6 subscriber shall be eligible for the plans provided in subsection (c) if there  
7 is no other local internet service provider serving the location.

8 (f) All internet service providers operating in the state shall register  
9 with the commission. Such registration shall include the name of the  
10 internet service provider and the provider's address, contact name, phone  
11 number, and access line numbers. This information shall be maintained by  
12 the commission at the commission's internet home page  
13 (<http://www.kcc.state.ks.us>). This information shall be used to determine a  
14 requesting customer's eligibility for the plans provided in subsection (c)  
15 and to provide a single authoritative listing of internet service provider  
16 access numbers for local exchange carriers to use in processing service  
17 orders. Absent complaints to commission staff, internet service providers  
18 shall be assumed to provide service with 5% or less access blockage upon  
19 registration. If, upon complaint and subsequent investigation, access  
20 blockage is determined to exceed 5%, the provider shall be removed from  
21 the commission's registry.

22 ~~(g) During the 1999 session of the Kansas legislature, the commission~~  
23 ~~shall transmit a report to the chairperson, vice-chairperson and ranking~~  
24 ~~minority member of the house standing committee on energy and natural~~  
25 ~~resources, the senate standing committee on transportation and utilities and~~  
26 ~~the joint committee on computers and telecommunications concerning~~  
27 ~~implementation of this section. The report shall include recommendations~~  
28 ~~for revisions in this section necessitated by technological innovation or~~  
29 ~~market changes in the telecommunications industry. The report also may~~  
30 ~~include an expiration date for this section.~~

31 Sec. 5. K.S.A. 66-2011 and K.S.A. 2017 Supp. 66-1,187, 66-2008  
32 and 66-2010 are hereby repealed.

33 Sec. 6. This act shall take effect and be in force from and after its  
34 publication in the statute book.