

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **Substitute for SB 72**, as amended by House Committee, on page 5, following line 1, by inserting:

"Sec. 3. K.S.A. 66-1,143 is hereby amended to read as follows: 66-1,143. (a) As used in this section and K.S.A. 66-1,145 and amendments thereto, "radio common carrier" shall include all persons and associations of persons, whether incorporated or not, operating a public "for hire" radio service engaged in the business of providing a service of radio communication, including cellular radio, which is one-way, two-way or multiple, between mobile and base stations, between mobile and land stations, including land line telephones, between mobile stations or between land stations, but not engaged in the business of providing a public land line message telephone service or a public message telegraph service within this state;

(b) Except as provided in this subsection, ~~and K.S.A. 66-1,145 and subsection (a) of K.S.A. 66-2005,~~ and amendments thereto, no radio common carrier shall be subject to the jurisdiction, regulation, supervision and control of the state corporation commission. The state corporation commission shall have the power and authority granted by K.S.A. 66-1,145 and amendments thereto and the power and authority to regulate and control radio common carriers whenever it is necessary to protect the public interest against cross-subsidization of competitive goods or services by monopoly goods and services. The state corporation commission shall have the power and authority granted by subsection (a) of K.S.A. 66-2005, and amendments thereto, to require radio common carriers to prepare and file network infrastructure plans.

Sec. 4. K.S.A. 66-2001 is hereby amended to read as follows: 66-2001. It is hereby declared

to be the public policy of the state to:

(a) Ensure that every Kansan will have access to a first class telecommunications infrastructure that provides excellent services at an affordable price;

(b) ensure that consumers throughout the state realize the benefits of competition through increased services and improved telecommunications facilities and infrastructure at reduced rates;

(c) promote consumer access to a full range of telecommunications services, including advanced telecommunications services that are comparable in urban and rural areas throughout the state;

(d) advance the development of a statewide telecommunications infrastructure that is capable of: (1) Supporting applications, such as public safety, telemedicine, services for persons with special needs, distance learning, public library services, access to internet providers and others; and (2) providing all Kansas residents and businesses with ultra high-speed broadband service, as soon as practical considering sound business planning and technological advances, both present and future; and

(e) protect consumers of telecommunications services from fraudulent business practices and practices that are inconsistent with the public interest, convenience and necessity.

Sec. 5. K.S.A. 66-2002 is hereby amended to read as follows: 66-2002. The commission shall:

(a) Adopt a definition of "universal service" and "enhanced universal service," pursuant to subsections (p) and (q) of K.S.A. 66-1,187, and amendments thereto;

(b) authorize any requesting telecommunications carrier to provide local exchange or exchange access service pursuant to subsection (a) of K.S.A. 66-2003, and amendments thereto;

(c) on or before July 1, 1996, the commission shall initiate a proceeding to adopt guidelines to ensure that all telecommunications carriers and local exchange carriers preserve and enhance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services and safeguard the rights of consumers";

(d) review, approve and ensure compliance with network infrastructure plans submitted by ~~local exchange carriers~~ pursuant to K.S.A. 66-2005, and amendments thereto;

(e) review, approve and ensure compliance with regulatory plans submitted by local exchange carriers pursuant to K.S.A. 66-2005, and amendments thereto;

(f) on or before January 1, 1997, establish, pursuant to K.S.A. 66-2006, and amendments thereto, the Kansas lifeline service program, hereinafter referred to as the KLSP;

(g) initiate and complete a proceeding by January 1, 1997, to establish a competitively neutral mechanism or mechanisms to fund: dual party relay services for Kansans who are speech or hearing impaired; telecommunications equipment for persons with visual impediments; and telecommunications equipment for persons with other special needs. This funding mechanism or mechanisms shall be implemented by March 1, 1997;

(h) on or before January 1, 1997, establish the Kansas universal service fund pursuant to K.S.A. 66-2008, and amendments thereto, hereinafter referred to as the KUSF, and make various determinations relating to the implementation of such fund;

(i) authorize all local exchange carriers to provide internet access as outlined in K.S.A. 66-2011, and amendments thereto, and report on the status of the implementation provisions to specified legislative committees;

(j) review the federal act and adopt additional standards and guidelines as necessary for enforcing slamming restrictions;

(k) commencing on June 1, 1997 and periodically thereafter, review and, to the extent necessary, modify the definition of universal service and enhanced universal service, and KUSF, taking into account advances in telecommunications and information technology and services;

(l) on or before January 1, 1997, initiate and complete a proceeding to establish minimum quality of service standards which will be equally applicable to all local exchange carriers and

telecommunications carriers in the state; any local exchange carrier or telecommunications carrier violating such standards, for each occurrence, shall forfeit and pay a penalty of not less than \$100, nor more than \$5,000; violations of such standards shall be enforced in accordance with provisions of K.S.A. 66-138 and 66-177, and amendments thereto; and;

(m) on ~~January 1, 2000~~ or before January 31, 2012, prepare and submit a report to the legislature. The report shall include an analysis of the manner in which the regulatory framework has served to: Protect consumers; safeguard universal service; ensure that consumers have reaped the benefits of competition; maximize the use of market forces; and promote development of the telecommunications and broadband infrastructure throughout the state. The commission also shall recommend if and how the KUSF should be modified.";

And by renumbering sections accordingly;

Also on page 5, in line 3, after "carrier" by inserting ", telecommunications public utility, telecommunications carrier, commercial radio service provider and information service provider"; in line 4, after "plan" by inserting ", current as of July 1, 2011,"; also in line 4, by striking "after January 1, 1997, and"; in line 5, by striking "prior to January 1, 1998" and inserting "before September 1, 2011"; in line 6, by striking all after "schedules"; in line 7, by striking "commission," and inserting "and GIS maps detailing plans"; also in line 7, by striking "by July 1,"; by striking all in lines 8 through 25; in line 26, by striking all before the period and inserting "and broadband service capabilities for each of the following five years. Such report shall be provided in the form and for the geographic areas as the commission may require";

On page 18, in line 26, by striking "and 66-1,187" and inserting ", 66-1,143, 66-1,187, 66-2001 and 66-2002"; in line 27, before "66-2005" by inserting "66-1249, 66-1250, 66-1251, 66-1252, 66-1253, 66-1254 and";

On page 1, in the title, in line 1, by striking "and 66-"; in line 2, by striking "1,187" and

inserting ", 66-1,143, 66-1,187, 66-2001 and 66-2002"; also in line 2, after "sections" by inserting ";
also repealing K.S.A. 2010 Supp. 66-1249, 66-1250, 66-1251, 66-1252, 66-1253 and 66-1254"

_____ District.