
Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The Kansas legislature finds and declares that:
(1) The permitting, construction, modification, maintenance and operation of wireless facilities are critical to ensuring that all citizens in the state have true access to broadband and other advanced technology and information;
(2) these facilities are critical to ensuring that businesses and schools throughout the state remain competitive in the global economy;
(3) wireless telecommunications facilities that enable broadband services have a significant economic benefit; and
(4) the permitting, construction, modification, maintenance and operation of these facilities, to the extent specifically addressed in this section, are declared to be matters of statewide concern and interest.

(b) As used in this section:
(1) "Accessory equipment" means any equipment serving or being used in conjunction with a wireless facility or wireless support structure including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.
(2) "Antenna" means communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless services.
(3) "Applicant" means any person or entity that is engaged in the business of providing wireless services or the wireless infrastructure required for wireless services and that submits an application.
(4) "Application" means a request submitted by an applicant to an authority for: (A) The construction of a new wireless support structure or new wireless facility;
(B) the substantial modification of a wireless support structure or
wireless facility; or
(C) collocation of a wireless facility or replacement of a wireless
facility.
(5) "Authority'' means any governing body, board, agency, office or
commission of a city, county or the state that is authorized by law to make
legislative, quasi judicial or administrative decisions concerning an
application. "Authority'' shall not include any school district as defined in
K.S.A. 72-8301, and amendments thereto, or any court having jurisdiction
over land use, planning, zoning or other decisions made by an authority.
(6) "Base station'' means a station that includes a structure that
currently supports or houses an antenna, transceiver, coaxial cables, power
cables or other associated equipment at a specific site that is authorized to
communicate with mobile stations, generally consisting of radio
transceivers, antennas, coaxial cables, power supplies and other associated
electronics. "Base station'' does not mean a tower or equipment associated
with a tower and does not include any structure that, at the time the
relevant application is filed with the authority, does not support or house
equipment described in this paragraph.
(7) "Collocation'' means the mounting or installation of wireless
facilities on a building, structure, wireless support structure, tower, utility
pole, base station or existing structure for the purposes of transmitting or
receiving radio frequency signals for communication purposes.
(8) "Distributed antenna system'' means a network that distributes
radio frequency signals and consisting of: (A) Remote communications or
antenna nodes deployed throughout a desired coverage area, each
including at least one antenna for transmission and reception;
(B) a high capacity signal transport medium that is connected to a
central communications hub site; and
(C) radio transceivers located at the hub's site to process or control
the communications signals transmitted and received through the antennas
to provide wireless or mobile service within a geographic area or structure.
(9) "Existing structure'' means a structure that exists at the time an
application to collocate wireless facilities on a structure is filed with an
authority. The term includes any structure that is currently supporting or
designed to support the attachment of wireless facilities, including, but not
limited to, towers, buildings and water towers.
(10) "Public lands, buildings and facilities'' does not include any real
property, structures or facilities under the ownership, control or
jurisdiction of the secretary of transportation.
(11) "Public right-of-way'' means only the area of real property in
which the authority has a dedicated or acquired right-of-way interest in the
real property. It shall include the area on, below or above the present and
future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. "Public right-of-way" does not include any state, federal or interstate highway right-of-way, which generally includes the area that runs contiguous to, parallel with, and is generally equidistant from the center of that portion of the highway improved, designed or ordinarily used for public travel.

(12) "Replacement" includes constructing a new wireless support structure of comparable proportions and of comparable height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the pre-existing wireless facilities, if any, or wireless support structure.

(13) "Search ring" means a shape drawn on a map to indicate the general area within which a wireless services support structure should be located to meet radio frequency engineering requirements, taking into account other factors, including topography and the demographics of the service area.

(14) "Small cell facility" means a wireless facility that meets both of the following qualifications: (A) Each antenna is located inside an enclosure of no more than six cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna and all of the antenna's exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and

(B) primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the federal communications commission has excluded from review pursuant to 54 U.S.C. § 306108. Associated equipment may be located outside the primary equipment, and if so located, is not to be included in the calculation of equipment volume. Associated equipment includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(15) "Small cell network" means a collection of interrelated small cell facilities designed to deliver wireless service.

(16) "Substantial modification" means a proposed modification to an existing wireless support structure or base station that will substantially change the physical dimensions of the wireless support structure or base station under the objective standard for substantial change, established by the federal communications commission pursuant to 47 C.F.R. 1.40001.

(17) "Transmission equipment" means equipment that facilitates transmission for a wireless service licensed or authorized by the
federal communications commission including, but not limited to, radio
transceivers, antennas, coaxial or fiber optic cable and regular and backup
power supply. "Transmission equipment" includes equipment associated
with wireless services including, but not limited to, private, broadcast and
public safety services such as wireless local area network services, and
services utilizing a set of specifications developed by the institute of
electrical and electronics engineers for interface between a wireless client
and a base station or between two wireless clients, as well as unlicensed
wireless services and fixed wireless services, such as microwave backhaul.

"Wireless facility" means equipment at a fixed location
that enables wireless communications between user equipment and a
communications network, including, but not limited to: (A) Equipment
associated with wireless services such as private, broadcast and public
safety services, as well as unlicensed wireless services and fixed wireless
services such as microwave backhaul; and

(B) radio transceivers, antennas, coaxial or fiber-optic cable, regular
and backup power supplies and comparable equipment, regardless of
 technological configuration.

"Wireless facility" does not mean any wired connections from a
wireless support structure or base station to a hub or switching location.

"Wireless services" means "personal wireless services"
and "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)
(7)(C), including commercial mobile services as defined in 47 U.S.C. §
332(d), provided to personal mobile communication devices through
wireless facilities or any fixed or mobile wireless services provided using
wireless facilities.

"Wireless infrastructure provider" means any person that
builds or installs transmission equipment, wireless facilities or wireless
support structures, but that is not a wireless services provider.

"Wireless support structure" means a freestanding
structure, such as a monopole, guyed or self-supporting tower or other
suitable existing or alternative structure designed to support or capable of
supporting wireless facilities. "Wireless support structure" shall not
include any telephone or electrical utility pole or any tower used for the
distribution or transmission of electrical service.

"Utility pole" means a structure owned or operated by a
public utility as defined in K.S.A. 66-104, and amendments thereto, a
municipality as defined in K.S.A. 75-6102, and amendments thereto, or an
electric cooperative as defined in K.S.A. 2015 Supp. 17-4652, and
amendments thereto, that is designed specifically for and used to carry
cables or wires for telecommunications, cable, electricity or to
provide lighting.

"Water tower" means a water storage tank or a standpipe,
or an elevated tank situated on a support structure that was originally
constructed for use as a reservoir or facility to store or deliver water.

Wireless services provider" means a provider of wireless
services.

c (1) An authority shall not charge an application fee, consulting fee
or other fee associated with the submission, review, processing and
approval of an application that is not required for other wireless
infrastructure providers or wireline telecommunications or broadband
providers within the authority's jurisdiction.

(2) An authority shall only assess fees or charges for the actual costs
relating to the granting or processing of an application that are directly
incurred by the authority and the authority shall not charge any market-
based or value-based fees for the processing of an application. Such fees
and charges shall be reasonably related in time to the occurrence of such
costs.

(3) An authority or any third-party entity shall not include any travel
expenses incurred in the review of an application for more than one trip
per application to the authority's jurisdiction and an applicant shall not be
required to pay or reimburse an authority for a consultant or other third-
party fees based on a contingency-based or results-based arrangement.
Any travel expenses included must be reasonable and directly related to
the application.

(4) The total charges and fees assessed by the authority shall not
exceed:

(A) $500 for a collocation application, that is not a substantial
modification, small cell facility application or distributed antenna system
application; or

(B) $2,000 for an application for a new wireless support structure or
for a collocation application that is a substantial modification of a wireless
support structure.

d (1) An authority may not charge a wireless services provider or
wireless infrastructure provider any rental, license or other fee to locate a
wireless facility or wireless support structure on any public right-of-way
controlled by the authority, if the authority does not charge other
telecommunications or video service providers, alternative infrastructure
or wireless services providers or any investor-owned utilities or
municipally-owned commercial broadband providers for the use of public
right-of-way. If an authority does assess a charge, including a charge or
rental fee for attachment to the facilities owned by the authority in the
right-of-way, any such charge must be competitively neutral, with regard
to other users of the public right-of-way, including investor-owned utilities
or municipally-owned commercial broadband providers, and may not be
unreasonable or discriminatory or violate any applicable state or federal
law, rule or regulation.

(2) (A) Subject to the provisions of this subsection, a wireless services provider or wireless infrastructure provider, subject to an application, shall have the right to construct, maintain and operate wireless support structures, utility poles, small cell wireless facilities or distributed antenna systems along, across, upon, under or above the public right-of-way. The authority must be competitively neutral with regard to other users of the public right-of-way, may not be unreasonable or discriminatory and may not violate any applicable state or federal law, rule or regulation.

(B) Nothing in this subsection (d) shall be interpreted as granting a wireless services provider or wireless infrastructure provider the right to construct, maintain or operate any facility or related appurtenance on property owned by the authority outside of the public right-of-way.

(C) The right of a wireless services provider or wireless infrastructure provider to use and occupy the public right-of-way shall always be subject and subordinate to the reasonable public health, safety and welfare requirements and regulations of the authority. An authority may exercise its home rule powers in its administration and regulation related to the management of the public right-of-way provided that any such exercise must be competitively neutral and may not be unreasonable or discriminatory.

(D) The authority shall have the right to prohibit the use or occupation of a specific portion of public right-of-way by a provider due to a reasonable public interest necessitated by public health, safety and welfare so long as such interest is exercised in a competitively neutral manner and is not unreasonable or discriminatory.

(E) A wireless services provider or wireless infrastructure provider shall comply with all laws and rules and regulations governing the use of public right-of-way.

(F) An authority may require a wireless services provider or wireless infrastructure provider to repair all damage to a public right-of-way caused by the activities of that provider, or of any agent, affiliate, employee or subcontractor of that provider, while occupying, installing, repairing or maintaining facilities in a public right-of-way and to return the right-of-way to its functional equivalence before the damage pursuant to the reasonable requirements and specifications of the authority {the condition in which it existed prior to the damage}. If a wireless services provider or wireless infrastructure provider fails to make the repairs required by an authority, the authority may effect those repairs and charge the provider the reasonable cost of those repairs. {If an authority incurs damages as a result of a violation of this paragraph, then the authority shall have a cause of action against a wireless services provider or wireless
infrastructure provider for violation of this paragraph, and may recover its damages, including reasonable attorney fees, if such provider is found liable by a court of competent jurisdiction.)

(G) If requested by an authority, in order to accomplish construction and maintenance activities directly related to improvements for the health, safety and welfare of the public, a wireless services provider or wireless infrastructure provider shall relocate or adjust its facilities within the public right-of-way at no cost to the authority, as long as such request similarly binds all users of such right-of-way. Such relocation or adjustment shall be completed as soon as reasonably possible within the time set forth in any written request by the authority for such relocation or adjustment, as long as the authority provides the wireless services provider or wireless infrastructure provider with a minimum of 180 days advance written notice to comply with such relocation or adjustment, unless circumstances beyond the authority's control require a shorter period of advance notice. If any such relocation or adjustment is for private benefit, the provider shall not bear the cost of the relocation or adjustment to the extent of such private benefit and the provider shall not be obligated to commence the relocation or adjustment until receipt of funds for such relocation or adjustment. The provider shall have no liability for any delays caused by a failure to receive funds for the cost of such relocation or adjustment and the authority shall have no obligation to collect such funds.

(H) Wireless services providers and wireless infrastructure providers shall indemnify and hold the authority and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is found by a court of competent jurisdiction to be caused by the negligence of the wireless services provider or wireless infrastructure provider, any agent, officer, director, representative, employee, affiliate or subcontractor of the provider, or their respective officers, agents, employees, directors or representatives, while installing, repairing or maintaining facilities in a public right-of-way. The indemnity provided by this paragraph does not apply to any liability resulting from the negligence of an authority, its officers, employees, contractors or subcontractors. If a provider and the authority are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of this state, without waiving any governmental immunity available to the authority under state law and without waiving any defenses of the parties under state or federal law. This
paragraph is solely for the benefit of the authority and the wireless services
provider or wireless infrastructure provider and does not create or grant
any rights, contractual or otherwise, to any other person or entity.

(I) A wireless services provider or wireless infrastructure provider or
authority shall promptly advise the other in writing of any known claim or
demand against the provider or the authority related to or arising out of the
provider's activities in a public right-of-way.

(3) The provisions of this subsection shall not apply to or affect any
authority's jurisdiction over the activities of wireless services providers or
wireless infrastructure providers in public utility easements, private
easements or on privately owned property.

(4) Nothing in this subsection shall be construed to prevent wireless
structures and wireless facilities from being located on state, federal or
interstate highway right-of-way in accordance with reasonable policies and
procedures adopted by the manager of the state, federal and interstate
highway right-of-way under applicable federal and state law.

(e) (1) An authority may enter into a lease with an applicant for the
applicant's use of public lands, buildings and facilities. When
entering into a lease for use of publicly owned lands, an authority shall
offer leases or contracts for applicants to use publicly owned lands that are
at least 10 years in duration, unless otherwise agreed to by both the
applicant and the authority, and at market rates. Any lease renewals shall
be negotiated in good faith. Due to the benefit of increased broadband and
wireless services to the citizens of the authority, an authority may choose
not to charge for the placement of wireless facilities on public lands. If an
authority does charge, any such charges for use of publicly owned lands
and facilities must be competitively neutral with regard to other users of
the publicly owned lands and facilities, including any investor-owned
utilities or municipally owned commercial broadband providers, may not
be unreasonable or discriminatory and may not violate any applicable state
or federal law, rule or regulation.

(2) If the applicant and the authority do not agree on the applicable
market rate for the use or lease of public land and are unable to agree on a
process to determine the applicable market rate for any such public land,
then the market rate will be determined by a panel of three
appraisers. The panel will consist of one appraiser appointed by each
party and a third appraiser selected by the two appointed appraisers. Each
appraiser will independently appraise the appropriate lease rate and the
market rate shall be set at the mean between the highest and lowest market
rates among all three independent appraisals, unless the mean between the
highest and lowest appraisals is greater than or less than 10% of the
appraisal of the third appraiser chosen by the parties' appointed appraisers,
in which case the third appraisal will determine the rate for the lease. The
(3) Nothing in this subsection shall be construed to prevent wireless structures and wireless facilities from being located on real property, structures or facilities under the ownership, control or jurisdiction of the secretary of transportation in accordance with reasonable policies and procedures adopted by the secretary of transportation under applicable federal and state law.

(4) This subsection (e) shall not apply to public rights-of-way governed by subsection (d).

(f) To ensure uniformity across the state with respect to consideration of every application, an authority shall not:

(1) Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to, the applicant's designed service, customer demand for service or quality of the applicant's service to or from a particular area or site. An authority may require an applicant filing an application for a new wireless support structure to state in such application that the applicant conducted an analysis of available collocation opportunities on existing wireless support structures within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such analysis;

(2) require information that concerns the specific need for the wireless support structure, including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity. An authority may not require proprietary, confidential or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunications traffic studies;

(3) evaluate an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities including, but not limited to, the option to collocate, instead of construct, a new wireless support structure or for substantial modifications of a support structure;

(4) dictate the type of transmission equipment or technology to be used by the applicant including, but not limited to, requiring an applicant to construct a distributed antenna system or small cell facility in lieu of constructing a new wireless support structure or discriminate between different types of infrastructure or technology;

(5) require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an...
application. This paragraph shall not preclude an authority from adopting reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities;

(6) impose any restrictions at or near {civilian} airports or military installations with respect to objects in navigable airspace height limitations, proximity to {civilian} airports or markings and lighting on wireless support structures or base stations that are greater than, or in conflict with, any restrictions imposed by the federal aviation administration, except that this paragraph shall not be construed so as to impact any existing height restrictions adopted by an authority as of the effective date of this section on wireless support structures or base stations located at or near airports or military installations {civilian airports};

(7) establish or enforce regulations or procedures for radio frequency signal strength or the adequacy of service quality;

(8) impose surety requirements, including bonds, escrow deposits, letters of credit or any other type of financial surety to ensure that abandoned or unused facilities can be removed, unless the authority imposes similar requirements on other permits for other types of commercial development or land uses, and any such instrument cannot exceed a reasonable estimate of the direct cost of the removal of the facility. If surety requirements are imposed, any such requirements shall be competitively neutral, non-discriminatory, reasonable in amount and commensurate with the historical record for local facilities and structures that are abandoned;

(9) discriminate or create a preference on the basis of the ownership of any property, structure, base station or wireless support structure when promulgating rules or procedures for siting wireless facilities or for evaluating applications or require the placement of wireless support structures or wireless facilities on property owned or leased by the authority, but an authority may develop a process to encourage the placement of wireless support structures or wireless facilities on property owned or leased by the authority, including an expedited approval process. Nothing in this subsection shall be construed to hinder or restrict the siting of public safety communications towers, including, but not limited to, police and fire;

(10) impose any unreasonable requirements or obligations regarding the presentation, appearance or function of the wireless facilities and equipment including, but not limited to, those relating to any kinds of materials used and those relating to arranging, screening or landscaping of facilities. In developing such a requirement or obligation for wireless facilities located on a public right-of-way, the authority shall consider input from property owners adjoining the affected public right-of-way;

(11) impose any requirements that an applicant purchase, subscribe
to, use or employ facilities, networks or services owned, provided or
operated by an authority, in whole or in part, or by any entity in which the
authority has a competitive, economic, financial, governance or other
interest;
(12) impose environmental testing, sampling or monitoring
requirements that exceed federal law;
(13) impose any compliance measures for radio frequency emissions
or exposure from wireless facilities that exceed the requirements of the
federal communications commission rules for radio frequency;
(14) in conformance with 47 U.S.C. § 332(c)(7)(B)(iv), reject an
application, in whole or in part, based on perceived or alleged
environmental effects of radio frequency emissions or exposure;
(15) prohibit the use of emergency power systems that comply with
federal and state environmental requirements and do not violate local
health and safety requirements and local noise control ordinances, but no
local regulations shall prevent the provision of emergency power during an
actual emergency;
(16) condition or require the approval of an application based on the
applicant's agreement to permit any wireless facilities provided or
operated, in whole or in part, by an authority or by any other entity to be
placed at, or collocated with, the applicant's wireless support structure;
(17) impose a greater setback or fall-zone requirement for a wireless
support structure than for other types of commercial structure of a similar
size; or
(18) limit, for less than 10 years, the duration of the approval of an
application. Any renewals shall be negotiated in good faith. Construction
of the approved structure or facilities shall commence within one year of
final approval and shall be diligently pursued to completion.
(g) An applicant for a small cell network involving no greater than 25
individual small cell facilities of a substantially similar design within the
jurisdiction of a single authority shall be permitted, upon request by the
applicant, to file a consolidated application and receive a single permit for
the installation, construction, maintenance and repair of a small cell
network instead of filing separate applications for each individual small
cell facility, except that the authority may require a separate application for
any small cell facilities that are not of a substantially similar design. The
authority shall render a decision no later than 60 days after the submission
of an application regarding small cell facilities that satisfies the authority's
requirements in a single administrative proceeding.
(h) (1) Within 150 calendar days of receiving an application for a new
wireless support structure and within 90 calendar days of receiving an
application for a substantial modification to an existing wireless support
structure or base station, or any other application for placement,
installation or construction of transmission equipment that does not constitute an eligible facilities request as defined by 47 U.S.C. § 1455(a), an authority shall: (A) Review the application in light of the application's conformity with applicable local zoning regulations; (B) make a final decision to approve or disapprove the application; and (C) advise the applicant in writing of the authority's final decision, supported by substantial evidence contained in a written record and issued contemporaneously. If an authority denies an application, there must be a reasonable basis for the denial. An authority may not deny an application if such denial discriminates against the applicant with respect to the placement of the facilities of other investor-owned utilities, wireless service providers, wireless infrastructure providers or wireless carriers.

(2) (A) The time period for approval of applications shall begin when the application is submitted and may be tolled within the first 30 days after the submission of the application if the authority notifies the applicant that such application is incomplete, identifies all missing information and specifies the code provision, ordinance, application instruction or otherwise publicly stated procedures that require the information to be submitted. (B) The time period for approval of applications shall begin running again when the applicant provides the necessary supplemental information. Additionally, the time period for approval of applications may be tolled by the express agreement in writing by both the applicant and the authority.

(3) An application shall be deemed approved if an authority fails to act on an application for a: (A) New wireless support structure within the 150-calendar day review period specified; or (B) substantial modification to an existing wireless support structure or base station or any other applications for placement, installation or construction of transmission equipment that does not constitute an eligible facilities request as defined by 47 U.S.C. § 1455(a) within the 90 calendar days review period specified.

(4) An authority shall approve applications for eligible facilities requests, as defined by 47 U.S.C. § 1455(a), within 60 days according to the procedures established by federal law under 47 C.F.R. 1.40001.

(5) An application shall be deemed approved once an applicant has provided notice to the authority that the applicable time periods provided in this section have lapsed.

(6) Within 30 days of the notice provided pursuant to subsection (h) (5), a party aggrieved by the final action of an authority, either by the authority affirmatively denying an application or by the authority's inaction, may bring an action for review in any court of competent
jurisdiction.

(i) An authority may not institute any moratorium on the filing, consideration or approval of applications, permitting or the construction of new wireless support structures, substantial modifications of wireless support structures or collocations.

(j) Subject to the provisions of this section and applicable federal law, an authority may continue to exercise zoning, land use, planning and permitting authority within the authority's territorial boundaries with regard to the siting of new or the modification of wireless support structures, wireless facilities, small cell facilities or utility poles, except that no authority shall have or exercise any zoning or siting jurisdiction, authority or control over the construction, installation or operation of any small cell facility or distributed antennae system located in an interior structure or upon the site of any campus, stadium or athletic facility.

(k) Nothing in this section shall be construed to apply to military installations.

(l) The provisions of this section shall take effect and be in force on and after October 1, 2016.

Sec. 2. On and after October 1, 2016, K.S.A. 17-1902 is hereby amended to read as follows: 17-1902. (a) (1) "Public right-of-way" means only the area of real property in which the city has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other nonwire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.

(2) "Provider" means a local exchange carrier as defined in subsection (h) of K.S.A. 66-1,187(h), and amendments thereto, or a telecommunications carrier as defined in subsection (m) of K.S.A. 66-1,187(m), and amendments thereto, or a video service provider as defined in K.S.A. 2007 Supp. 12-2022, and amendments thereto, but does not include an applicant as defined in section 1, and amendments thereto.

(3) "Telecommunications services" means providing the means of transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(4) "Competitive infrastructure provider" means an entity which leases, sells or otherwise conveys facilities located in the right-of-way, or the capacity or bandwidth of such facilities for use in the provision of telecommunications services, internet services or other intrastate and interstate traffic, but does not itself provide services directly to end users
within the corporate limits of the city.

(b) Any provider shall have the right pursuant to this act to construct, maintain and operate poles, conduit, cable, switches and related appurtenances and facilities along, across, upon and under any public right-of-way in this state. Such appurtenances and facilities shall be so constructed and maintained as not to obstruct or hinder the usual travel or public safety on such public ways or obstruct the legal use by other utilities.

(c) Nothing in this act shall be interpreted as granting a provider the authority to construct, maintain or operate any facility or related appurtenance on property owned by a city outside of the public right-of-way.

(d) The authority of a provider to use and occupy the public right-of-way shall always be subject and subordinate to the reasonable public health, safety and welfare requirements and regulations of the city. A city may exercise its home rule powers in its administration and regulation related to the management of the public right-of-way provided that any such exercise must be competitively neutral and may not be unreasonable or discriminatory. Nothing herein shall be construed to limit the authority of cities to require a competitive infrastructure provider to enter into a contract franchise ordinance.

(e) The city shall have the authority to prohibit the use or occupation of a specific portion of public right-of-way by a provider due to a reasonable public interest necessitated by public health, safety and welfare so long as the authority is exercised in a competitively neutral manner and is not unreasonable or discriminatory. A reasonable public interest shall include the following:

(1) The prohibition is based upon a recommendation of the city engineer, is related to public health, safety and welfare and is nondiscriminatory among providers, including incumbent providers;

(2) the provider has rejected a reasonable, competitively neutral and nondiscriminatory justification offered by the city for requiring an alternate method or alternate route that will result in neither unreasonable additional installation expense nor a diminution of service quality;

(3) the city reasonably determines, after affording the provider reasonable notice and an opportunity to be heard, that a denial is necessary to protect the public health and safety and is imposed on a competitively neutral and nondiscriminatory basis; or

(4) the specific portion of the public right-of-way for which the provider seeks use and occupancy is environmentally sensitive as defined by state or federal law or lies within a previously designated historic district as defined by local, state or federal law.

(f) A provider's request to use or occupy a specific portion of the
(g) A provider shall comply with all laws and rules and regulations governing the use of public right-of-way.

(h) A city may not impose the following regulations on providers:

(1) Requirements that particular business offices or other telecommunications facilities be located in the city;

(2) Requirements for filing applications, reports and documents that are not reasonably related to the use of a public right-of-way or this act;

(3) Requirements for city approval of transfers of ownership or control of the business or assets of a provider's business, except that a city may require that such entity maintain current point of contact information and provide notice of a transfer within a reasonable time; and

(4) Requirements concerning the provisioning of or quality of customer services, facilities, equipment or goods in-kind for use by the city, political subdivision or any other provider or public utility.

(i) Unless otherwise required by state law, in the exercise of its lawful regulatory authority, a city shall promptly, and in no event more than 30 days, with respect to facilities in the public right-of-way, process each valid and administratively complete application of a provider for any permit, license or consent to excavate, set poles, locate lines, construct facilities, make repairs, effect traffic flow, obtain zoning or subdivision regulation approvals, or for other similar approvals, and shall make reasonable effort not to unreasonably delay or burden that provider in the timely conduct of its business. The city shall use its best reasonable efforts to assist the provider in obtaining all such permits, licenses and other consents in an expeditious and timely manner.

(j) If there is an emergency necessitating response work or repair, a provider may begin that repair or emergency response work or take any action required under the circumstances, provided that the provider notifies the affected city promptly after beginning the work and timely thereafter meets any permit or other requirement had there not been such an emergency.

(k) A city may require a provider to repair all damage to a public right-of-way caused by the activities of that provider, or of any agent affiliate, employee, or subcontractor of that provider, while occupying, installing, repairing or maintaining facilities in a public right-of-way and to return the right-of-way, to its functional equivalence before the damage pursuant to the reasonable requirements and specifications of the city. If the provider fails to make the repairs required by the city, the city may effect those repairs and charge the provider the cost of those repairs. If a
city incurs damages as a result of a violation of this subsection, then the
city shall have a cause of action against a provider for violation of this
subsection, and may recover its damages, including reasonable attorney
fees, if the provider is found liable by a court of competent jurisdiction.

(l) If requested by a city, in order to accomplish construction and
maintenance activities directly related to improvements for the health,
safety and welfare of the public, a provider shall promptly remove its
facilities from the public right-of-way or shall relocate or adjust its
facilities within the public right-of-way at no cost to the political
subdivision. Such relocation or adjustment shall be completed as soon as
reasonably possible within the time set forth in any request by the city for
such relocation or adjustment. Any damages suffered by the city or its
contractors as a result of such provider's failure to timely relocate or adjust
its facilities shall be borne by such provider.

(m) No city shall create, enact or erect any unreasonable condition,
requirement or barrier for entry into or use of the public rights-of-way by a
provider.

(n) A city may assess any of the following fees against a provider, for
use and occupancy of the public right-of-way, provided that such fees
reimburse the city for its reasonable, actual and verifiable costs of
managing the city right-of-way, and are imposed on all such providers in a
nondiscriminatory and competitively neutral manner:

(1) A permit fee in connection with issuing each construction permit
to set fixtures in the public right-of-way within that city as provided in
K.S.A. 17-1901, and amendments thereto, to compensate the city for
issuing, processing and verifying the permit application;

(2) an excavation fee for each street or pavement cut to recover the
costs associated with construction and repair activity of the provider, their
assigns, contractors and/or subcontractors, or both, with the exception
of construction and repair activity required pursuant to subsection (l) of
this act related to construction and maintenance activities directly related
to improvements for the health, safety and welfare of the public; provided,
however, imposition of such excavation fee must be based upon a regional
specific or other appropriate study establishing the basis for such costs
which takes into account the life of the city street prior to the construction
or repair activity and the remaining life of the city street. Such excavation
fee is expressly limited to activity that results in an actual street or
pavement cut;

(3) inspection fees to recover all reasonable costs associated with city
inspection of the work of the provider in the right-of-way;

(4) repair and restoration costs associated with repairing and restoring
the public right-of-way because of damage caused by the provider, its
assigns, contractors, and/or subcontractors, or both, in the right-of-way;
and

(5) a performance bond, in a form acceptable to the city, from a
surety licensed to conduct surety business in the state of Kansas, insuring
appropriate and timely performance in the construction and maintenance
of facilities located in the public right-of-way.

(o) A city may not assess any additional fees against providers for use
or occupancy of the public right-of-way other than those specified in
subsection (n).

(p) This act may not be construed to affect any valid taxation of a
provider's facilities or services.

(q) Providers shall indemnify and hold the city and its officers and
employees harmless against any and all claims, lawsuits, judgments, costs,
liens, losses, expenses, fees (including to include reasonable attorney fees
and costs of defense), proceedings, actions, demands, causes of action,
liability and suits of any kind and nature, including personal or bodily
injury (including or death), property damage or other harm for which
recovery of damages is sought, to the extent that it is found by a court of
competent jurisdiction to be caused by the negligence of the provider, any
agent, officer, director, representative, employee, affiliate or subcontractor
of the provider, or their respective officers, agents, employees, directors or
representatives, while installing, repairing or maintaining facilities in a
public right-of-way. The indemnity provided by this subsection does not
apply to any liability resulting from the negligence of the city, its officers,
employees, contractors or subcontractors. If a provider and the city are
found jointly liable by a court of competent jurisdiction, liability shall be
apportioned comparatively in accordance with the laws of this state
without, however, waiving any governmental immunity available to the
city under state law and without waiving any defenses of the parties under
state or federal law. This section is solely for the benefit of the city and
provider and does not create or grant any rights, contractual or otherwise,
to any other person or entity.

(r) A provider or city shall promptly advise the other in writing of any
known claim or demand against the provider or the city related to or
arising out of the provider's activities in a public right-of-way.

(s) Nothing contained in K.S.A. 17-1902, and amendments thereto, is
intended to affect the validity of any franchise fees collected pursuant to
state law or a city's home rule authority.

(t) Any ordinance enacted prior to the effective date of this act
governing the use and occupancy of the public right-of-way by a provider
shall not conflict with the provisions of this act.

Sec. 3. K.S.A. 66-2004 is hereby amended to read as follows: 66-
2004. (a) Pursuant to subsection (f)(1) of section 251 of the federal act
U.S.C. § 251(f)(1), the obligations of an incumbent local exchange carrier,
which include the duty to negotiate interconnection, unbundled access, 
resale, notice of changes and collocation, shall not apply to a rural 
television company unless such company has received a bona fide request 
for interconnection, services or network elements and the commission 
determines that such request is not unduly economically burdensome, is 
technically feasible and preserves and enhances universal service.

(b) On July 1, 1996, the commission shall initiate a rulemaking 
procedure 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. The 
preservation and advancement of universal service shall be a primary 
concern. The commission shall issue the guidelines no later than 
December 31, 1996.

c) Pursuant to subsection (f) of section 253 of the federal act 47 
U.S.C. § 253(f), any telecommunications carrier that seeks to provide 
television exchange service or local exchange access in a service area 
served by a rural telephone company shall meet the requirements of 
subsection (e)(1) of section 214 of the federal act 47 U.S.C. § 214(e)(1) for 
designation as an eligible telecommunications carrier for that area before 
being permitted by the commission to provide such service; however, the 
guidelines shall be consistent with the provisions of subsection (f) (1) and 
(2) of section 253 of the federal act 47 U.S.C. § 253(f)(1) and (2).

d) The commission may grant a certificate to provide local exchange 
or exchange access service in the service area of a rural telephone 
company if, among other issues to be considered by the commission, the 
application for such certificate complies with commission guidelines 
issued pursuant to subsection (b).

e) Any restrictions established by the commission for rural entry of 
competitors or for resale and unbundling of services shall not apply to any 
service area of a rural telephone company if such company, or an entity in 
which such company directly or indirectly owns an equity interest of 10% 
or more, provides local exchange or exchange access service, as 
authorized under K.S.A.—2002 Supp. 60-2003, and amendments thereto, 
and this section, in any area of the state outside of its local exchange areas, 
as approved by the commission on or before January 1, 1996, and outside 
of any area in which it is the successor to the local exchange carrier 
serving such area on or before January 1, 1996.

(f) (1) Any local exchange carrier electing pursuant to K.S.A. 66- 
2005(b), and amendments thereto, to operate under traditional rate of 
return regulation, or an entity in which such carrier directly or indirectly 
owns an equity interest of 10% or more, shall not use KUSF funding, 
except for Kansas lifeline service program purposes pursuant to K.S.A.
66-2006, and amendments thereto, for the purposes of providing
telecommunication services in an area outside of the carrier's authorized
service area.
(2) The provisions of this subsection shall not be construed to affect a
competitive eligible telecommunications carrier's eligibility for KUSF
support pursuant to K.S.A. 66-2008(c)(4), and amendments thereto.
Sec. 4. K.S.A. 2015 Supp. 66-2005 is hereby amended to read as
follows: 66-2005. (a) Each local exchange carrier shall file a network
infrastructure plan with the commission on or after January 1, 1997, and
prior to January 1, 1998. Each plan, as a part of universal service
protection, shall include schedules, which shall be approved by the
commission, for deployment of universal service capabilities by July 1,
1998, and the deployment of enhanced universal service capabilities by
July 1, 2003, as defined pursuant to subsections (p) and (q) of K.S.A. 66-
1,187(p) and (q), and amendments thereto, respectively. With respect to
enhanced universal service, such schedules shall provide for deployment
of ISDN, or its technological equivalent, or broadband facilities, only upon
a firm customer order for such service, or for deployment of other
enhanced universal services by a local exchange carrier. After receipt of
such an order and upon completion of a deployment plan designed to meet
the firm order or otherwise provide for the deployment of enhanced
universal service, a local exchange carrier shall notify the commission.
The commission shall approve the plan unless the commission determines
that the proposed deployment plan is unnecessary, inappropriate, or not
cost effective, or would create an unreasonable or excessive demand on the
KUSF. The commission shall take action within 90 days. If the
commission fails to take action within 90 days, the deployment plan shall
be deemed approved. This approval process shall continue until July 1,
2000. Each plan shall demonstrate the capability of the local exchange
carrier to comply on an ongoing basis with quality of service standards to
be adopted by the commission no later than January 1, 1997.
(b) In order to protect universal service, facilitate the transition to
competitive markets and stimulate the construction of an advanced
telecommunications infrastructure, each local exchange carrier shall file a
regulatory reform plan at the same time as it files the network
infrastructure plan required in subsection (a). As part of its regulatory
reform plan, a local exchange carrier may elect traditional rate of return
regulation or price cap regulation. Carriers that elect price cap regulation
shall be exempt from rate base, rate of return and earnings regulation and
shall not be subject to the provisions of K.S.A. 66-136 and 66-127, and
amendments thereto, except as otherwise provided in such sections.
However, the commission may resume such regulation upon finding, after
a hearing, that a carrier that is subject to price cap regulation has: Violated
minimum quality of service standards pursuant to subsection (l) of K.S.A. 66-2002(l), and amendments thereto; been given reasonable notice and an opportunity to correct the violation; and failed to do so. Regulatory reform plans also shall include:

(1) A commitment to provide existing and newly ordered point-to-point broadband services to: Any hospital as defined in K.S.A. 65-425, and amendments thereto; any school accredited pursuant to K.S.A. 72-1101 et seq., and amendments thereto; any public library; or other state and local government facilities at discounted prices close to, but not below, long-run incremental cost; and

(2) a commitment to provide basic rate ISDN service, or the technological equivalent, at prices which are uniform throughout the carrier's service area. Local exchange carriers shall not be required to allow retail customers purchasing the foregoing discounted services to resell those services to other categories of customers. Telecommunications carriers may purchase basic rate ISDN services, or the technological equivalent, for resale in accordance with K.S.A. 66-2003, and amendments thereto. The commission may reduce prices charged for services outlined in provisions paragraphs (1) and (2) of this subsection, if the commitments of the local exchange carrier set forth in those provisions are not being kept.

(c) Subject to the commission's approval, all local exchange carriers shall reduce intrastate access charges to interstate levels as provided herein. Rates for intrastate switched access, and the imputed access portion of toll, shall be reduced over a three-year period with the objective of equalizing interstate and intrastate rates in a revenue neutral, specific and predictable manner. The commission is authorized to rebalance local residential and business service rates to offset the intrastate access and toll charge reductions. Any remaining portion of the reduction in access and toll charges not recovered through local residential and business service rates shall be paid out from the KUSF pursuant to K.S.A. 66-2008, and amendments thereto. Each rural telephone company shall adjust its intrastate switched access rates on March 1 of each odd-numbered year to match its interstate switched access rates, subject to the following:

(1) Any reduction of a rural telephone company's cost recovery due to reduction of its intrastate access revenue, except such revenue recovered from another support mechanism, shall be recovered from the KUSF;

(2) any portion of rural telephone company reductions in intrastate switched access rates which would result in an increase in KUSF recovery in a single year which exceeds .75% of intrastate retail revenues used in determining sums which may be recovered from Kansas telecommunications customers pursuant to subsection (a) of K.S.A. 66-2008(a), and amendments thereto, shall be deferred until March 1 of the
next following odd-numbered year; and
(3) no rural company shall be required at any time to reduce its intrastate switched access rates below the level of its interstate switched access rates.
(d) Beginning March 1, 1997, each rural telephone company shall have the authority to increase annually its monthly basic local residential and business service rates by an amount not to exceed $1 in each 12-month period until such monthly rates reach an amount equal to the statewide rural telephone company average rates for such services. The statewide rural telephone company average rates shall be the arithmetic mean of the lowest flat rate as of March 1, 1996, for local residential service and for local business service offered by each rural telephone company within the state. In the case of a rural telephone company which increases its local residential service rate or its local business service rate, or both, to reach the statewide rural telephone company average rate for such services, the amount paid to the company from the KUSF shall be reduced by an amount equal to the additional revenue received by such company through such rate increase. In the case of a rural telephone company which elects to maintain a local residential service rate or a local business service rate, or both, below the statewide rural telephone company average, the amount paid to the company from the KUSF shall be reduced by an amount equal to the difference between the revenue the company could receive if it elected to increase such rate to the average rate and the revenue received by the company.
(e) For purposes of determining sufficient KUSF support, an affordable rate for local exchange service provided by a rural telephone company subject to traditional rate of return regulation shall be determined as follows:
(1) For residential service, an affordable rate shall be the arithmetic mean of residential local service rates charged in this state in all exchanges served by rural telephone companies and in all exchanges in rate groups 1 through 3 as of February 20, 2002, of all other local exchange carriers, but not including electing carriers, weighted by the number of residential access lines to which each such rate applies, and thereafter rounded to the nearest quarter-dollar, subject to the following provisions:
(A) If a rural telephone company's present residential rate, including any separate charge for tone dialing, is at or above such weighted mean, such rate shall be deemed affordable prior to March 1, 2007.
(B) If a rural telephone company's present residential rate, including any separate charge for tone dialing, is below such average: (i) Such rate shall be deemed affordable prior to March 1, 2003; (ii) as of March 1, 2003, and prior to March 1, 2004, a rate $2 higher than the company's present residential monthly rate, but not exceeding such weighted mean,
shall be deemed affordable; (iii) as of March 1, 2004, and prior to March
1, 2005, a rate $4 higher than the company's present residential monthly
rate, but not exceeding such weighted mean, shall be deemed affordable;
and (iv) as of March 1, 2005, and prior to March 1, 2006, a rate $6 higher
than the company's present residential monthly rate, but not exceeding
such weighted mean, shall be deemed affordable.

(C) As of March 1, 2007, and each two years thereafter, an affordable
residential service rate shall be the weighted arithmetic mean of local
service rates determined as of October 1 of the preceding year in the
manner hereinbefore specified, except that any increase in such mean
exceeding $2 may be satisfied by increases in a rural telephone company's
residential monthly service rate not exceeding $2 per year, effective March
1 of the year when such mean is determined, with the remainder applied at
the rate of $2 per year, but not to exceed the affordable rate.

(2) For single line business service at any time, an affordable rate
shall be the existing rate or an amount $3 greater than the affordable rate
for residential service as determined under provision paragraph (1) of this
subsection, whichever is higher, except that any increase in the business
service affordable rate exceeding $2 may be satisfied by increases in a rural
telephone company's business monthly service rate not exceeding $2
per year, effective March 1 of the year when such rate is determined, with
the remainder applied at the rate of $2 per year, but not to exceed the
affordable rate.

(3) Any flat fee or charge imposed per line on all residential service
or single line business service, or both, other than a fee or charge for
contribution to the KUSF or imposed by other governmental authority,
shall be added to the basic service rate for purposes of determining an
affordable rate pursuant to this subsection.

(4) Not later than March 1, 2003, tone dialing shall be made available
to all local service customers of each rural telephone company at no charge
additional to any increase in the local service rate to become effective on
that date. The amount of revenue received as of March 1, 2002, by a rural
telephone company from the provision of tone dialing service shall be
excluded from reductions in the company's KUSF support otherwise
resulting pursuant to this subsection.

(5) A rural telephone company which raises one or more local service
rates on application made after February 20, 2002, and pursuant to
subsection (b) of K.S.A. 66-2007(b), and amendments thereto, shall have
the level of its affordable rate increased by an amount equal to the amount
of the increase in such rate.

(6) Upon motion by a rural telephone company, the commission may
determine a higher affordable local residential or business rate for such
company if such higher rate allows the company to provide additional or
improved service to customers, but any increase in a rural telephone company's local rate attributable to the provision of increased calling scope shall not be included in any subsequent recalculation of affordable rates as otherwise provided in this subsection.

(7) A uniform rate for residential and single line business local service adopted by a rural telephone company shall be deemed an affordable rate for purposes of this subsection if application of such uniform rate generates revenue equal to that which would be generated by application of residential and business rates which are otherwise deemed affordable rates for such company under this subsection.

(8) The provisions of this subsection relating to the implementation of an affordable rate shall not apply to rural telephone companies which do not receive KUSF support. When recalculating affordable rates as provided in this subsection, the rates used shall include the actual rates charged by rural companies that do not receive KUSF support.

(f) For regulatory reform plans in which price cap regulation has been elected, price cap plans shall have three baskets: Residential and single-line business, including touch-tone; switched access services; and miscellaneous services. The commission shall establish price caps at the prices existing when the regulatory plan is filed subject to rate rebalancing as provided in subsection (c) for residential services, including touch-tone services, and for single-line business services, including touch-tone services, within the residential and single-line business service basket. The commission shall establish a formula for adjustments to the price caps. The commission also shall establish price caps at the prices existing when the regulatory plan is filed for the miscellaneous services basket. The commission shall approve any adjustments to the price caps for the miscellaneous service basket, as provided in subsection (g).

(g) On or before January 1, 1997, the commission shall issue a final order in a proceeding to determine the price cap adjustment formula that shall apply to the price caps for the local residential and single-line business and the miscellaneous services baskets and for sub-categories, if any, within those baskets. In determining this formula, the commission shall balance the public policy goals of encouraging efficiency and promoting investment in a quality, advanced telecommunications network in the state. The commission also shall establish any informational filing requirements necessary for the review of any price cap tariff filings, including price increases or decreases within the caps, to verify such caps would not be exceeded by any proposed price change. The adjustment formula shall apply to the price caps for the local residential and single-line business basket after December 31, 1999, and to the miscellaneous services basket after December 31, 1997. The price cap formula, but not actual prices, shall be reviewed every five years.
(h) The price caps for the residential and single-line business service basket shall be capped at their initial level until January 1, 2000, except for any increases authorized as a part of the revenue neutral rate rebalancing under subsection (c). The price caps for this basket and for the categories in this basket, if any, shall be adjusted annually after December 31, 1999, based on the formula determined by the commission under subsection (g).

(i) The price cap for the switched access service basket shall be set based upon the local exchange carrier's intrastate access tariffs as of January 1, 1997, except for any revenue neutral rate rebalancing authorized in accordance with subsection (c). Thereafter, the cap for this basket shall not change except in connection with any subsequent revenue neutral rebalancing authorized by the commission under subsection (c).

(j) The price caps for the miscellaneous services basket shall be adjusted annually after December 31, 1997, based on the adjustment formula determined by the commission under subsection (g).

(k) A price cap is a maximum price for all services taken as a whole in a given basket. Prices for individual services may be changed within the service categories, if any, established by the commission within a basket. An entire service category, if any, within the residential and single-line business basket or miscellaneous services basket may be priced below the cap for such category. Unless otherwise approved by the commission, no service shall be priced below the price floor which will be long-run incremental cost and imputed access charges. Access charges equal to those paid by telecommunications carriers to local exchange carriers shall be imputed as part of the price floor for toll services offered by local exchange carriers on a toll service basis.

(l) A local exchange carrier may offer promotions within an exchange or group of exchanges. All promotions shall be approved by the commission and may not be unjust, unreasonably discriminatory or unduly preferential.

(m) Unless the commission authorizes price deregulation at an earlier date, intrastate toll services within the miscellaneous services basket shall continue to be regulated until the affected local exchange carrier begins to offer 1+ intraLATA dialing parity throughout its service territory, at which time intrastate toll will be price deregulated, except that prices cannot be set below the price floor.

(n) On or before July 1, 1997, the commission shall establish guidelines for reducing regulation prior to price deregulation of price cap regulated services in the miscellaneous services basket, the switched access services basket, and the residential and single-line business basket.

(o) Subsequent to the adoption of guidelines pursuant to subsection (n), the commission shall initiate a petitioning procedure under which the local exchange carrier may request rate range pricing. The commission
shall act upon a petition within 21 days, subject to a 30-day extension. The
prices within a rate range shall be tariffed and shall apply to all customers
in a nondiscriminatory manner in an exchange or group of exchanges.

(p) A local exchange carrier may petition the commission to designate
an individual service or service category, if any, within the miscellaneous
services basket, the switched access services basket or the residential and
single-line business basket for reduced regulation. The commission shall
act upon a petition for reduced regulation within 21 days, subject to an
extension period of an additional 30 days, and upon a good cause showing
of the commission in the extension order, or within such shorter time as
the commission shall approve. The commission shall issue a final order
within the 21-day period or within a 51-day period if an extension has
been issued. Following an order granting reduced regulation of an
individual service or service category, the commission shall act on any
request for price reductions within seven days subject to a 30-day
extension. The commission shall act on other requests for price cap
adjustments, adjustments within price cap plans and on new service
offerings within 21 days subject to a 30-day extension. Such a change will
be presumed lawful unless it is determined the prices are below the price
floor or that the price cap for a category, if any, within the entire basket has
been exceeded.

(q) (1) Beginning July 1, 2006, price regulation of
telecommunications services in the residential and single-line business
service basket and the miscellaneous services basket for local exchange
carriers subject to price cap regulation shall be as follows:
(A) Packages or bundles of services shall be price deregulated
statewide, however the individual telecommunication service components
of such packages or bundles shall remain available for purchase on an
individual basis at prices subject to price cap regulation in any exchange in
which the standards in subsection (q)(1)(B), (C) or (D) have not been met.
If standards in subsection (q)(1)(B), (C) or (D) have been met, the
individual telecommunication service components of such packages or
bundles shall remain available for purchase on an individual basis and
prices for packages or bundles shall not exceed the sum of the highest
prices of the a la carte components of the package or bundle;
(B) in any exchange in which there are 75,000 or more local
exchange access lines served by all providers, rates for all
telecommunications services shall be price deregulated;
(C) in any exchange in which there are fewer than 75,000 local
exchange access lines served by all providers, the commission shall price
deregulate all business telecommunication services upon a demonstration
by the requesting local telecommunications carrier that there are two or
more nonaffiliated telecommunications carriers or other entities, that are
nonaffiliated with the local exchange carrier, providing local telecommunications service to business customers, regardless of whether the entity provides local service in conjunction with other services in that exchange area. One of such nonaffiliated carriers or entities shall be required to be a facilities-based carrier or entity and not more than one of such nonaffiliated carriers or entities shall be a provider of commercial mobile radio services in that exchange;

(D) in any exchange in which there are fewer than 75,000 local exchange access lines served by all providers, the commission shall price deregulate all residential telecommunication services upon a demonstration by the requesting local telecommunications carrier that there are two or more nonaffiliated telecommunications carriers or other entities, that are nonaffiliated with the local exchange carrier, providing local telecommunications service to residential customers, regardless of whether the entity provides local service in conjunction with other services in that exchange area. One of such nonaffiliated carriers or entities shall be required to be a facilities-based carrier or entity and not more than one of such nonaffiliated carriers or entities shall be a provider of commercial mobile radio services in that exchange;

(E) rates for lifeline services shall remain subject to price cap regulation;

(F) up to and continuing until July 1, 2008, rates for the initial residential local exchange access line and up to four business local exchange access lines at one location shall remain subject to price cap regulation and all other rates, except rates for switched access services, are deemed price deregulated. On and after July 1, 2008, the local exchange carrier shall be authorized to adjust such rates without commission approval by not more than the greater of the percentage increase in the consumer price index for all urban consumers, as officially reported by the bureau of labor statistics of the United States department of labor, or its successor index, or the amount necessary to maintain the local rate floor as determined by the federal communications commission or its successor, in any one year period and such rates shall not be adjusted below the price floor established in subsection (k). Such rates shall not be affected by purchase of one or more of the following: Call management services, intraLATA long distance service or interLATA long distance service; and

(G) local exchange carriers shall offer a uniform price throughout each such exchange for services subject to price deregulation, under this subsection, including packages or bundles of services, except as provided in subsection (1) or as otherwise approved by the commission.

(2) For the purposes of this subsection:

(A) Any entity providing voice service shall be considered as a local
telecommunications service provider regardless of whether such entity is
subject to regulation by the commission;
(B) a provider of local telecommunications service that requires the
use of a third party, unaffiliated broadband network or dial-up internet
network for the origination of local voice service shall not be considered a
local telecommunications service provider;
(C) telecommunications carriers offering only prepaid
telecommunications service shall not be considered entities providing local
telecommunications service.
(3) If the services of a local exchange carrier are classified as price
deregulated under this subsection, the carrier may thereafter adjust its rates
for such price deregulated services upward or downward as it determines
appropriate in its competitive environment, with tariffs for such services
deemed effective upon filing with the commission. Price deregulated
services shall be subject to the price floor in subsection (k), and shall not
be unreasonably discriminatory or unduly preferential within an exchange.
(4) The commission shall act upon a petition filed pursuant to
subsection (q)(1)(C) or (D) within 21 days, subject to an extension period
of an additional 30 days, and upon a good cause showing of the
commission in the extension order, or within such shorter time as the
commission shall approve. The commission shall issue a final order within
the 21-day period or within a 51-day period if an extension order has been
issued.
(5) The commission may resume price cap regulation of a local
exchange carrier, deregulated under this subsection upon finding, after a
hearing, that such carrier has: Violated minimum quality of service
standards pursuant to subsection (l) of K.S.A. 66-2002(l), and
amendments thereto; been given reasonable notice and an opportunity to
correct the violation; and failed to do so.
(6) The commission on July 1, 2006, and on each date that any
service is deregulated, shall record the rates of each service which has
been price deregulated in each exchange.
(7) Prior to January 1, 2007, the commission shall determine the
weighted, statewide average rate of nonwireless basic local
telecommunications service as of July 1, 2006. Prior to January 1, 2007,
and annually thereafter, the commission shall determine the weighted,
average rate of nonwireless basic local telecommunications services in
exchanges that have been price deregulated pursuant to subsection (q)(1)
(B), (C) or (D). The commission shall report its findings on or before
February 1, 2007, and annually thereafter to the governor, the legislature
and each member of the standing committees of the house of
representatives and the senate which are assigned telecommunications
issues. The commission shall also provide in such annual report—
information on the current rates for services provided by all telecommunications carriers or other telecommunications service providers regardless of the technology used to provide service in price-deregulated exchanges, service offerings provided by all telecommunications carriers or other telecommunications service providers regardless of the technology used and available in price-deregulated exchanges and the number of competitors in price deregulated exchanges including, but not limited to, facilities based carriers, commercial mobile radio service or broadband based service providers.

(8) For the purposes of this subsection:

(A) "Packages or bundles of services" means the offering of a local telecommunications service with one or more of the following, subscribed together, as one service option offered at one price, one or more call management services, intraLATA long distance service, interLATA long distance service, internet access, video services or wireless services. Packages or bundles of services shall not include only a single residential local exchange access line or up to four business local exchange access lines at one location and intraLATA long distance service or interLATA long distance service, or both;

(B) "local telecommunications service" means two-way voice service capable of being originated and terminated within the exchange of the local exchange telecommunications company seeking price deregulation of its services, regardless of the technology used to provision the voice service;

(C) "broadband network" means a connection that delivers services at speeds exceeding two hundred kilobits per second in both directions;

(D) "prepaid telecommunications service" means a local service for which payment is made in advance that excludes access to operator assistance and long distance service;

(E) "facilities based carrier" means a telecommunications carrier or entity providing local telecommunications service either wholly or partially over its own network. Facilities based carrier shall not include any radio communication services provider licensed by the federal communications commission to provide commercial mobile radio services; and

(F) "call management services" means optional telecommunications services that allow a customer to manage call flow generated over the customer's local exchange access line.

(r) (1) Upon complaint or request, the commission may investigate a price deregulated service.

(2) The commission shall resume price cap regulation of a service provided in any exchange area by placing it in the appropriate service basket, as approved by the commission, upon a determination by the
commission that the conditions in subsection (q)(1)(C) or (D) are no
longer satisfied in that exchange area.

(3) The commission shall resume price cap regulation of business
services in any exchange meeting the conditions of subsection (q)(1)(B) by
placing it in the appropriate service basket, as approved by the
commission, upon a determination by the commission that the following
condition is not met: There are at least two nonaffiliated
telecommunications carriers or other entities, that are nonaffiliated with
the local exchange carrier, providing local telecommunications service to
business customers, regardless of whether the entity provides local service
in conjunction with other services in that exchange area. One of such
nonaffiliated carriers or entities shall be required to be a facilities-based
carrier or entity and not more than one such nonaffiliated carriers or
entities shall be a provider of commercial mobile radio services in that
exchange.

(4) The commission shall resume price cap regulation of residential
services in any exchange meeting the conditions of subsection (q)(1)(B) by
placing it in the appropriate service basket, as approved by the
commission, upon a determination by the commission that the following
condition is not met: There are at least two or more nonaffiliated
telecommunications carriers or other entities, that are nonaffiliated with
the local exchange carrier, providing local telecommunications service to
residential customers, regardless of whether the entity provides local service
in conjunction with other services in that exchange area. One of such
nonaffiliated carriers or entities shall be required to be a facilities-
based carrier or entity and not more than one such nonaffiliated carriers or
entities shall be a provider of commercial mobile radio services in that
exchange.

(s) The commission shall require that for all local exchange carriers
all such price deregulated basic intraLATA toll services be geographically
averaged statewide and not be priced below the price floor established in
subsection (k).

(t) Cost studies to determine price floors shall be performed as
required by the commission in response to complaints. In addition,
notwithstanding the exemption in subsection (b), the commission may
request information necessary to execute any of its obligations under the
act. In response to a complaint that a price deregulated service is priced
below the price floor set forth in subsection (k), the commission shall issue
an order within 60 days after the filing of the complaint unless the
complainant agrees to an extension.

(u) A local exchange carrier may—petition for offer individual
customer pricing. The commission shall respond expeditiously to the
petition within a period of not more than 30 days subject to a 30 day-
extension without prior approval by the commission. In response to a complaint that an individual customer pricing agreement is priced below the price floor set forth in subsection (k), the commission shall issue an order within 60 days after the filing of the complaint, unless the complainant agrees to an extension.

(v) No audit, earnings review or rate case shall be performed with reference to the initial prices filed as required herein.

(w) As required under K.S.A. 66-131, and amendments thereto, and except as provided for in subsection (c) of K.S.A. 66-2004(c), and amendments thereto, telecommunications carriers that were not authorized to provide switched local exchange telecommunications services in this state as of July 1, 1996, including cable television operators who have not previously offered telecommunications services, must receive a certificate of convenience based upon a demonstration of technical, managerial and financial viability and the ability to meet quality of service standards established by the commission. Any telecommunications carrier or other entity seeking such certificate shall file a statement, which shall be subject to the commission's approval, specifying with particularity the areas in which it will offer service, the manner in which it will provide the service in such areas and whether it will serve both business customers and residential customers in such areas. Any structurally separate affiliate of a local exchange carrier that provides telecommunications services shall be subject to the same regulatory obligations and oversight as a telecommunications carrier, as long as the local exchange carrier's affiliate obtains access to any services or facilities from its affiliated local exchange carrier on the same terms and conditions as the local exchange carrier makes those services and facilities available to other telecommunications carriers.

(x) Any local exchange carrier with a majority of the carrier's local exchange access lines in the state price deregulated pursuant to subsection (q) may elect to no longer be regulated as a local exchange carrier and, notwithstanding any other provisions, upon such election shall instead be regulated as a telecommunications carrier, except as provided in this subsection. A local exchange carrier making such election shall be referred to as an "electing carrier." A local exchange carrier may make such election by providing the commission with at least 90 days' written notice of election. The notice of election shall include a verified statement that a majority of the carrier's local exchange access lines are price deregulated. Such notification shall include information regarding the number of access lines the carrier serves in each of the carrier's exchanges. Within 45 days of receipt of such a notification, the commission shall review the information concerning the carrier's local exchange access lines and upon failure of the commission, within 45 days of receipt of the notification, to
determine that a majority of such lines of the carrier are not price
deregulated the commission shall designate the carrier as an electing
carrier.
(y) Notwithstanding the provisions of this act, and subject to any
applicable exemption from interconnection generally, a
telecommunications carrier is entitled to interconnection with a local
exchange carrier or an electing carrier to transmit and route voice traffic
between both the telecommunications carrier and the local exchange
carrier or electing carrier regardless of the technology by which the voice
traffic is originated by and terminated to a consumer. The commission
shall afford such telecommunications carrier all substantive and procedural
rights available to such carrier regarding interconnection pursuant to 47
U.S.C. §§ 251 and 252 as in effect on the effective date of this act.
Nothing in this subsection shall be construed to confer jurisdiction upon
the commission for services that are exempt from or otherwise not subject
to commission jurisdiction.
(z) (1) Telecommunications carriers and electing carriers shall not be
subject to regulation by the commission for the provision of
telecommunications services, except that the commission shall retain the
authority and jurisdiction to authorize applications, suspension or
cancellation of certificates of public convenience and necessity to provide
local exchange or exchange access service in the state of Kansas, but the
commission may not use this certification authority to regulate
telecommunications carriers or electing carriers beyond the jurisdiction
provided the commission in this subsection.
(2) Nothing in this section shall be construed to restrict the
commission's authority and jurisdiction to:
(A) Carry out the commission's obligations established in 47 U.S.C.
§§ 251 and 252;
(B) implement rules delegated to the state by the federal
communications commission or federal law; or
(C) regulate intrastate switched access rates, terms and conditions,
including the implementation of federal law concerning intercarrier
compensation.
(3) The commission shall retain the authority and jurisdiction to:
(A) Carry out the commission's obligations pursuant to the
underground utilities damage prevention act, K.S.A. 66-1801 et seq., and
amendments thereto, and the overhead power line accident prevention act,
K.S.A. 66-1709 et seq., and amendments thereto;
(B) require the reasonable resale of retail telecommunications
services, as well as unbundling and interconnection obligations as required
by K.S.A. 66-2003, and amendments thereto;
(C) administer the Kansas lifeline service program pursuant to K.S.A.
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66-2006, and amendments thereto;

(D) administer contributions to the Kansas universal service fund pursuant to subsection (a) of K.S.A. 66-2008(a), and amendments thereto;

(E) assess costs and expenses pursuant to K.S.A. 66-1501 et seq., and amendments thereto, but the commission shall not use this authority to regulate telecommunications carriers or electing carriers beyond the jurisdiction provided the commission in this subsection;

(F) request information from telecommunications carriers and electing carriers pursuant to K.A.R. 82-1-234a(b) and subject to the provisions of K.A.R. 82-1-221a and K.S.A. 66-1220a, and amendments thereto, but the commission shall not use this authority to regulate telecommunications carriers or electing carriers beyond the jurisdiction provided the commission in this subsection; and

(G) administer consumer complaints against telecommunications carriers and electing carriers to investigate fraud, undue discrimination and other practices harmful to consumers, but the commission shall not use this authority to regulate telecommunications carriers or electing carriers beyond the jurisdiction provided the commission in this subsection.

Sec. 5. K.S.A. 2015 Supp. 66-2007 is hereby amended to read as follows: 66-2007. (a) All local exchange carriers, not including electing carriers, providing long distance service in Kansas shall reduce their statewide averaged basic long distance rates to reflect the net reductions in access charges; however, such carriers shall be allowed to increase long distance rates to reflect the KUSF funding requirements set forth in K.S.A. 66-2008, and amendments thereto.

(b) The commission shall approve, upon not more than 120 days' notice, any basic local exchange price increases that in the aggregate in any one year are $1.50 or less per access line per month, that are proposed by any rural telephone company which is subject to traditional rate of return regulation and that comply with the requirements of this section. Any such proposed price increases shall be presumed reasonable and not subject to commission investigation and review if the rural telephone company has followed the notice requirements set forth below. However, the commission shall initiate an investigation if more than 15% of the subscribers subject to the rate increase request such an investigation within 60 days of the date of distribution of the notice of the proposed change. Upon filing such an application for a rate increase, any rural telephone company seeking expedited approval of the proposed rate under this section shall send a notice to its subscribers by regular mail, which may be included with regular subscriber mailings. Such mailings shall include the name, mailing address and telephone number of the commission. The notice shall include a schedule of the proposed local exchange rates, the effective date of the rates and a description of the procedures by which the
subscribers can petition the commission to determine the reasonableness of
the proposed rates, including a provision specifically stating that protest by
15% or more of subscribers subject to the proposed rate increase would
require the commission to initiate an investigation concerning the
reasonableness of the proposed rate increase.

(c) The commission shall have the right to investigate and determine
the reasonableness of an increase in local exchange rates and charges
under subsection (b) by any rural telephone company within one year of
the time local exchange rates or charges are increased. If the commission
determines such rate or charge increases are unreasonable, the commission
shall have the authority to order a rate hearing and, after such hearing,
shall have the authority to rescind all or any portion of the increases found
to be unreasonable.

(d) The commission shall approve each application, within 45 days of
such application, by a rural telephone company to increase the company's
local service rates in an amount necessary for such company to maintain
eligibility for full federal universal service support. If the commission does
not order approval of such application within 45 days, the application
shall be deemed approved.

Sec. 6. K.S.A. 2015 Supp. 66-2008 is hereby amended to read as
follows: 66-2008. On or before January 1, 1997, the commission shall
establish the Kansas universal service fund, hereinafter referred to as the
KUSF.

(a) The commission shall require every telecommunications carrier,
telecommunications public utility and wireless telecommunications service
provider that provides intrastate telecommunications services and, to the
extent not prohibited by federal law, every provider of interconnected VoIP
service, as defined by 47 C.F.R. § 9.3 (October 1, 2005) 47 C.F.R. 9.3, to
contribute to the KUSF based upon the provider's intrastate
telecommunications services net retail revenues on an equitable and
nondiscriminatory basis. The commission shall not require any provider to
contribute to the KUSF under a different contribution methodology than
such provider uses for purposes of the federal universal service fund,
including for bundled offerings. Any telecommunications carrier,
telecommunications public utility, wireless telecommunications service
provider or provider of interconnected VoIP service which contributes to
the KUSF may collect from customers an amount equal to such carrier's,
utility's or provider's contribution, but such carrier, provider or utility may
collect a lesser amount from its customer.

Any contributions in excess of distributions collected in any reporting
year shall be applied to reduce the estimated contribution that would
otherwise be necessary for the following year.

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

(c) Beginning January 1, 2014:

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

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

(B) $11,400,000.

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

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

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

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

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

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

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

(e) (1) For each local exchange carrier electing pursuant to subsection (b) of K.S.A. 66-2005(b), and amendments thereto, to operate under traditional rate of return regulation, all KUSF support, including any adjustment thereto pursuant to this section, shall be based on ensure the reasonable opportunity for recovery of such carrier's intrastate embedded costs, revenue requirements, investments and expenses, subject to the annual cap established pursuant to subsection (e)(3). Until at least March 1, 2017, Any modification of such support shall be made only as a direct result of changes in those factors enumerated in this subsection. Nothing in this subsection shall prohibit the commission from conducting a general investigation regarding effects of federal universal service reform on KUSF support and the telecommunications public policy of the state of Kansas as expressed in K.S.A. 66-2001, and amendments thereto. The commission may present any findings and recommendations to the telecommunications study committee established in K.S.A. 2015 Supp. 66-
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2018, and amendments thereto.

(2) Notwithstanding any other provision of law, no KUSF support received by a local exchange carrier electing pursuant to subsection (b) of K.S.A. 66-2005(b), and amendments thereto, to operate under traditional rate of return regulation shall be used to offset any loss reduction of federal universal service fund support for recovery of such carrier, except that such limitation on KUSF support shall not preclude recovery of reductions in intrastate access revenue pursuant to subsection (c) of K.S.A. 66-2005, and amendments thereto.

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

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

Sec. 7. K.S.A. 2015 Supp. 66-2017 is hereby amended to read as follows: 66-2017. (a) Except as otherwise provided in this section, no VoIP service, IP-enabled service, or any combination thereof, shall be subject to the jurisdiction of, regulation by, supervision of or control by any state agency or political subdivision of the state.

(b) VoIP services shall be subject to:

(1) The requirements of K.S.A. 66-2008, and amendments thereto, pertaining to the Kansas universal service fund (KUSF). The provisions of subsection (a) shall not affect or restrict eligibility for KUSF support; and

(2) the requirements of the Kansas 911 act, K.S.A. 2015 Supp. 12-5362 et seq., and amendments thereto.

(c) No provision of this section shall be construed to modify:

(2) the state corporation commission's authority under 47 U.S.C. §§ 251 and 252, as in effect on the effective date of this act. For the purposes of this paragraph, the term "state commission" used in 47 U.S.C. §§ 251 and 252 shall mean the state corporation commission established pursuant to K.S.A. 74-601, and amendments thereto;

(3) the authority of the state of Kansas or a political subdivision thereof to manage the use of public rights of way pursuant to K.S.A. 17-1902, and amendments thereto;

(4) the rights and obligations of subsection (y) of K.S.A. 66-2005(y), and amendments thereto; or

(5) the regulation of any rural telephone company.

(d) For the purposes of this section:

(1) "Internet protocol enabled service" or "IP-enabled service" means any service, capability, functionality, or application using an internet protocol (IP) that enables an end user to send or receive a voice, data or video communication in an IP format.

(2) "Political subdivision" shall have the meaning ascribed to such term in K.S.A. 28-137b, and amendments thereto.

(3) "State agency" shall have the meaning ascribed to such term in K.S.A. 75-3701, and amendments thereto.

(4) "Voice over Internet Protocol" or "VoIP" is any service that:

(A) Uses an internet protocol (IP) to enable real-time, two-way voice communication that originates from, or terminates at, the user's location in an IP;

(B) utilizes a broadband connection from the user's location; and

(C) permits a user to receive a call that originates on the public switched telephone network (PSTN) and to terminate a call to the PSTN.


Sec. 9. On and after October 1, 2016, K.S.A. 17-1902 is hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.