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No. 1466

H.P. 1075

House of Representatives, April 12, 2011

An Act To Ensure Regulatory Parity among Telecommunications Providers

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FITTS of Pittsfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 35-A MRSA §7101, sub-§6** is enacted to read:

3 **6. Regulatory parity among telecommunications providers.** The Legislature
4 further declares and finds that in the current competitive telecommunications
5 environment, the public interest is best served by a State telecommunications regulatory
6 structure that places equal regulatory obligations and burdens on all telecommunications
7 providers, regardless of the mode of the communications. Therefore, it is the ultimate
8 goal of the State to revise and reform its regulatory structure to provide equal regulatory
9 requirements for all telecommunications providers by January 1, 2013.

10 **Sec. 2. 35-A MRSA §7110** is enacted to read:

11 **§7110. Regulatory parity among telecommunications providers**

12 **1. Parity among telephone utilities.** Beginning January 1, 2012, the commission
13 shall take all actions within its authority to provide that telephone utilities under its
14 jurisdiction are not subject to any regulatory requirements of the commission that are
15 greater or more burdensome than the regulatory requirements that were applicable to
16 competitive telephone utilities as of January 1, 2011, unless the telephone utility consents
17 to the requirement. The commission shall amend, waive or adopt rules, issue orders and
18 modify its administrative procedures and practices as necessary to achieve this result.

19 **2. Exclusions.** This section does not require the commission to take any action that:

20 **A.** Changes the provisions regarding an obligation to serve as carrier of last resort,
21 eligible telecommunications carrier or the wholesale obligations of any incumbent
22 local exchange carrier; or

23 **B.** Prior to January 1, 2013, changes the obligations of a telephone utility imposed by
24 a commission order that was in effect on January 1, 2011.

25 For the purposes of this subsection, "eligible telecommunications carrier" and "incumbent
26 local exchange carrier" have the meanings provided by the commission by rule.

27 **Sec. 3. Commission plan.** By December 31, 2011, the Public Utilities
28 Commission shall submit a plan to the Legislature describing the actions necessary to be
29 implemented by the Legislature and the commission to ensure that, by January 1, 2013,
30 all telecommunications providers, whether currently regulated or not, are regulated
31 equally. The plan must include drafts of statutory changes necessary to achieve this
32 result. The commission shall give due consideration to the preservation of provisions
33 regarding an obligation to serve as carrier of last resort, eligible telecommunications
34 carrier or the wholesale obligations of incumbent local exchange carriers. The
35 commission shall include in the plan provisions that allow a telecommunications provider
36 to be subject to regulatory requirements that do not apply to other telecommunications
37 providers if it chooses.

1 **SUMMARY**

2 This bill sets a state goal of creating a nondiscriminatory regulatory structure for all
3 telecommunications providers, for the purpose of fostering continued competition and
4 ensuring a free market for telecommunications services. In recognition that the Public
5 Utilities Commission has already established a less burdensome regulatory structure for
6 competitive telephone utilities regulated by the commission, as a first step this legislation
7 requires that regulatory structure to be extended to all telephone utilities regulated by the
8 commission by January 1, 2012. The 2nd step directs the commission to submit a plan to
9 the Legislature describing the actions necessary to ensure that, by January 1, 2013, all
10 telecommunications providers are regulated equally.