

**MINUTES OF THE
PUBLIC UTILITIES & TECHNOLOGY STANDING COMMITTEE
Room 223 - State Capitol Building**

Tuesday, February 10, 1998

MEMBERS PRESENT: Rep. Beverly Ann Evans, Chair
Rep. Dennis H. Iverson, Vice-Chair
Rep. Jeff Alexander
Rep. Ralph Becker
Rep. Orville Carnahan
Rep. Gary F. Cox
Rep. Brent H. Goodfellow
Rep. Thomas Hatch
Rep. J. Brent Haymond
Rep. David M. Jones
Rep. Swen C. Nielsen
Rep. Martin R. Stephens

MEMBERS ABSENT: Rep. Christine R. Fox-Finlinson

STAFF: Richard North, Research Analyst
Ann Bushman, Committee Secretary

VISITORS: List of visitors on file

Chair Evans called the meeting to order at 8:13 a.m.

MOTION: Rep. Goodfellow moved that the minutes of January 30, 1998 be approved. The motion passed unanimously with Reps. Alexander, Carnahan, Hatch and Haymond absent for the vote.

HB 115 **Telecommunications Amendments** - Rep. Martin R. Stephens.

Rep. Stephens introduced the bill.

Steve Mecham, Public Service Commission, answered questions.

Brian Burnett, attorney for TCG Utah, clarified amendment questions.

Speaking for the bill: Rex Knowles, Nextlink; Tim Peters, Electric Lightwave; Lyle Williamson, MCI Telecommunications; Greg Allen, AT&T; Claire Geddes, United We Stand; Bruce Bammes, Disabled Rights Action Center; and Betsy Wolf, Salt Lake Community Action Program.

Speaking against the bill: Vernile Prince, All West Communications; Greg Monson, attorney for US West; Kevin Boardman, Utah Power & Light; Jerry Fenn, Exchange Carriers of Utah.

MOTION: Rep. Stephens moved that the bill be amended as follows:

1. Page 2, Line 22: After "upon the" delete "incumbent telephone" and insert "defendant telecommunications"
2. Page 2, Line 31: After "filed" insert ", unless the commission finds that extraordinary conditions exist that warrant postponing the hearing date"
3. Page 3, Line 2: After "(e)" delete "Unless the parties agree otherwise, the" and insert "The"
4. Page 3, Line 3: After "filed" insert "unless:
(i) the commission finds that extraordinary conditions exist that warrant extending final action; or
(ii) the parties agree to an extension of final action by the commission"
5. Page 3, Line 27: Delete "attorney's" and insert "attorneys"
6. Page 4, Line 1: Delete "\$1,000,000" and insert "\$10,000" and delete "offense; and" and insert "day."
7. Page 4, Lines 2-4: Delete lines 2 through 4
8. Page 4, Line 27: Delete "the injured" and insert "a"
9. Page 4, Line 28: Delete "caused damage to another" and insert "damaged such other" and at the end of line 28, insert:
"(4) The commission shall have the authority to investigate a party's compliance with the commission's order under Subsection (1)(g). If a party fails to comply with the commission's order, the commission may double the daily penalty amount specified in Subsection (1)(g)(iv) every 30 days until corrective or remedial action acceptable to the commission has been completed."

The motion passed unanimously with Reps. Alexander and Haymond absent for the vote.

MOTION: Rep. Carnahan moved that the bill be amended as follows:

1. Page 1, Line 17 After "telephone" delete "corporation's" and insert "corporation, including performance obligations pursuant to Section 251 of the Federal Telecommunications Act, regarding the"
2. Page 2, Line 15 After "terms;" delete "or"
3. Page 2, Line 16 After "tariff" insert "; or (e) the telecommunications carrier's obligations pursuant to Section 251 of the Federal Telecommunications Act"
4. Page 4, Lines 7-11 After "(b)" delete the remainder of lines 7 through 11 and insert "In determining the amount of the penalty or the amount agreed to in compromise, the commission shall consider the appropriateness of the penalty to the size of the violating party, the gravity of the violation, the good faith of the telephone corporation in attempting to achieve compliance after notification of the violation, and the impact of the violation to the establishment of competition."

The motion passed unanimously with Rep. Haymond absent for the vote.

MOTION: Rep. Becker moved to hold the bill.
The motion passed unanimously with Rep. Jones absent for the vote.

MOTION: Rep. Haymond moved to adjourn at 9:50 a.m.

Rep. Beverly Ann Evans, Chair