

1 **TELECOMMUNICATION SERVICE**

2 **AMENDMENTS**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Beverly Ann Evans**

6 AN ACT RELATING TO PUBLIC UTILITIES; PROVIDING CONDITIONS UNDER WHICH
7 A TELEPHONE CORPORATION IS REQUIRED TO PROVIDE DIALING PARITY TO
8 OTHER TELECOMMUNICATIONS CORPORATIONS FOR THE PROVISION OF
9 INTRALATA LONG DISTANCE SERVICE.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **54-8b-2.2**, as last amended by Chapter 226, Laws of Utah 1997

13 *Be it enacted by the Legislature of the state of Utah:*

14 Section 1. Section **54-8b-2.2** is amended to read:

15 **54-8b-2.2. Interconnection.**

16 (1) (a) (i) The commission may require any telecommunications corporation to
17 interconnect its essential facilities with another telecommunications corporation that provides
18 public telecommunications services in the same, adjacent, or overlapping service territory.

19 (ii) Interconnecting telecommunications corporations shall permit the mutual exchange
20 of traffic between their networks without unreasonable blocking or other unreasonable restrictions
21 on the flow of traffic. In determining unreasonable blocking or unreasonable restrictions, the
22 commission shall, among other things, take into account the necessity and time required for
23 adapting the network to respond to significant changes in usage patterns.

24 (b) (i) Whenever the commission grants a certificate to one or more telecommunications
25 corporations to provide public telecommunications services in the same or overlapping service
26 territories, all telecommunications corporations providing public telecommunications services in
27 the affected area shall have the right to interconnect with the essential facilities and to purchase

1 the essential services of all other certificate holders operating in the same area on a
2 nondiscriminatory and reasonably unbundled basis.

3 (ii) Each telecommunications corporation shall permit access to and interconnection with
4 its essential facilities and the purchase of its essential services on terms and conditions, including
5 price, no less favorable than those the telecommunications corporation provides to itself and its
6 affiliates.

7 (c) Nothing in this section shall prevent a telecommunications corporation from entering
8 into nondiscriminatory agreements for interconnection with its essential facilities and the purchase
9 and sale of essential services.

10 (d) (i) A telecommunications corporation shall file with the commission the prices, terms,
11 and conditions of any agreement it makes for the interconnection of essential facilities or the
12 purchase or sale of essential services.

13 (ii) The agreement shall take effect ten days after filing.

14 (iii) Each telecommunications corporation shall allow any other telecommunications
15 corporation to obtain interconnection with its essential facilities and to purchase essential services
16 on prices, terms, and conditions no less favorable than those on file with the commission.

17 (e) If there is a dispute over interconnection of essential facilities, the purchase and sale
18 of essential services, or the planning or provisioning of facilities or unbundled elements, one or
19 both of the disputing parties may bring the dispute to the commission, and the commission, by
20 order, shall resolve the dispute on an expedited basis.

21 (f) It is not a discriminatory pricing practice to vary prices to reflect genuine cost
22 differences.

23 (2) (a) The commission shall adopt rules or issue an interim order which implements by
24 December 31, 1996, the competitive provision of facilities-based intraLATA toll and local
25 exchange services.

26 (b) The rules or interim order shall address those issues the commission determines are
27 essential for a competing telecommunications corporation to provide intraLATA toll and local
28 exchange services and necessary to protect the public interest, including the interconnection with
29 essential facilities and the purchase and sale of essential services of telecommunications
30 corporations authorized to provide public telecommunications services in the same or overlapping
31 service territories on a nondiscriminatory and reasonably unbundled basis.

1 (3) (a) By December 31, 1997, the commission shall adopt additional rules or issue a final
2 order to implement the competitive provision of facilities-based intraLATA toll and local
3 exchange services.

4 (b) The rules or final order shall address other issues relating to:

5 (i) competition for intraLATA toll and local exchange services;

6 (ii) blocking, timing of provisioning of unbundled elements, and service quality standards
7 for interconnecting carriers;

8 (iii) the transition to a competitive market; and

9 (iv) the protection of the public interest.

10 (4) ~~[Nothing in this section shall require or prohibit the commission from ordering changes~~
11 ~~in dialing patterns for intraLATA toll services.] A telephone corporation subject to interLATA
12 telecommunication service restrictions may not be required, including in the rules or an order
13 established under Subsection (3), to provide dialing parity to other telecommunication corporations
14 for the provision of intraLATA long distance service until the telephone corporation:~~

15 (a) is also permitted to provide interstate and intrastate interLATA and intraLATA long
16 distance service on an integrated basis; and

17 (b) is not subject to interLATA telecommunication service restrictions.

18 (5) If the commission, by order, approves the application of a telecommunications
19 corporation to provide public telecommunications services in all or part of the service territory
20 certificated to an incumbent telephone corporation before the adoption of the rules or final order
21 described in Subsection (3), the commission may:

22 (a) order the interconnection of essential facilities and the purchase and sale of the
23 essential services of a telecommunications corporation with those of a competing
24 telecommunications corporation on such terms and conditions and to the extent necessary to allow
25 the competing telecommunications corporation to operate under authority granted by the
26 commission; and

27 (b) address and resolve, by order, other issues necessary for the competitive provision of
28 intraLATA toll and local exchange services.

Legislative Review Note
as of 1-19-98 11:01 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel