

2nd Sub. H.B. 115

TELECOMMUNICATIONS AMENDMENTS

HOUSE FLOOR AMENDMENTS

FEBRUARY 26, 1998 6:37 PM

Representative **Stephens** proposes the following amendments:

1. Page 1, Line 18: Delete "performance"
2. Page 1, Line 19: After "regarding the" insert "telecommunications" and after "provision of" insert "or request for"
3. Page 1, Line 23: After "(d)" delete "the" and insert "access to"
4. Page 2, Line 12: After line 12 insert:
"(a) the terms of the commission's interconnection service quality rules;"
5. Page 2, Line 13: Delete "(a)" and insert "(b)"
6. Page 2, Line 14: Delete "(b)" and insert "(c)" and after "statement of" insert "generally available" and after "terms" delete "and conditions" and insert ","
7. Page 2, Line 15: Delete "(c)" and insert "(d)"
8. Page 3, Line 7: After "later than" delete "20" and insert "25"
9. Page 3, Line 9: After "date" insert ", in which case the commission shall commence the hearing as soon as practicable"
10. Page 3, Line 14: After "action" insert ", in which case the commission shall take final action as soon as practicable"
11. Page 3, Line 16: Delete "(f)" and insert "(2)" and after "Subsection" delete "(1)(g)" and insert "(3)"
12. Page 3, Line 17: After line 17 insert:
"(a) the telecommunications corporation has violated the terms of the commission's interconnection service quality rules;"

13. Page 3, Line 18: Delete "(i)" and insert "(b)"
14. Page 3, Line 20: Delete "(ii)" and insert "(c)"
15. Page 3, Line 22: Delete "(iii) a telecommunications corporation" and insert "(d) either party" and after "terms of" delete "its" and insert "a statement of"
16. Page 3, Line 24: Delete "(g)" and insert "(3)" and after "Subsection" delete "(1)(f)" and insert "(2)"
17. Page 3, Line 26: Delete "(i)" and insert "(a)"
18. Page 3, Line 27: Delete "(A)" and insert "(i)"
19. Page 3, Line 28: Delete "(B)" and insert "(ii)" and after "terms of the" insert "commission's interconnection service quality rules, the"
20. Page 3, Line 30: Delete "(ii)" and insert "(b)"
21. Page 3, Line 31: After "including" insert "a time frame for compliance and"
22. Page 4, Lines 2-12: Delete lines 2 through 12 and insert:

"(c) if considered appropriate by the commission, impose a penalty on the defendant telecommunications corporation subject to the following:

(i) if the violation is of the duties imposed under Section 54-8b-2.2 or 54-8b-16, the commission may impose a penalty for such violation as provided in Section 54-7-25; and

(ii) in addition, if the violating telecommunications corporation is other than an incumbent telephone corporation with fewer than 50,000 access lines in this state, and the violation is of a duty imposed under an interconnection agreement, a statement of generally available terms, or an interconnection tariff, the commission shall also impose a penalty subject to the following:

(A) the penalty may be in an amount of up to \$10,000 per day;

(B) if the commission finds that the violation was willful or intentional, the period for which the penalty is levied shall commence on the date the commission finds the violation to have first occurred

through and including the date the violation is corrected; and
(C) if the commission finds that the violation was not willful or
intentional, the period for which the penalty is levied shall commence
on the day after the commission's order, or such later date as the
commission in its discretion may establish, through and including the
date the violation is corrected.

(4)(a) The commission shall have the authority, on its own or at the
request of the injured telecommunications corporation, to investigate
a party's compliance with the commission's order under Subsection
(3)(c)(ii).

(b) If corrective or remedial action acceptable to the commission is
not completed:

(i) within 45 days after the deadline set by the commission, the
commission may increase the penalty imposed under (3)(c)(ii) to up
to \$20,000 per violation per day; and

(ii) within 90 days after the deadline set by the commission, the
commission may increase the penalty imposed under (3)(c)(ii) to up
to \$40,000 per violation per day.

22. Page 4, Line 13: Delete "(3)" and insert "(5)" and after "Subsection" delete "(1)(g)(iii)" and insert "(3)(c)"
23. Page 4, Line 16: After "consider" insert ":(i)" and after "party" delete "₁" and insert "₁(ii)"
24. Page 4, Line 17: After "violation" delete "₁" and insert "₁;(iii)" and after "faith of the" delete "telephone" and insert "defendant telecommunications"
25. Page 4, Line 18: After "violation" delete "₁" and insert "₁;" and after "and" insert "(iv)"
26. Page 4, Lines 22-23: Delete lines 22 through 23
27. Page 4, Line 24: Delete "(e)" and insert "(6)"
28. Page 4, Line 25: After "54-8b-15" insert ", and shall be in addition to any contributions required of a telecommunications corporation under that section"