

TELECOM MERGER REVIEW AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David G. Buxton

House Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill exempts certain telecommunication corporations from Public Service Commission approval of certain mergers and acquisitions.

Highlighted Provisions:

This bill:

- ▶ exempts a telecommunication corporation from obtaining Public Service Commission consent and approval of certain mergers and acquisitions if the telecommunication corporation is:
 - a competitive entrant; or
 - an incumbent telecommunications corporation with pricing flexibility;
- ▶ requires a telecommunications corporation to provide notice to the Public Service Commission of a merger or acquisition;
- ▶ limits the applicability of the exemption to exclude a telecommunications corporation that receives certain high cost support from the Universal Public Telecommunications Support Fund; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 ENACTS:

30 [54-8b-3.4](#), Utah Code Annotated 1953

31

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

33 Section 1. Section **54-8b-3.4** is enacted to read:

34 **54-8b-3.4. Exemption from merger and acquisition approval by commission.**

35 (1) (a) Except as provided in Subsection (2), a telecommunications corporation is
36 exempt from the requirements of Sections [54-4-28](#), [54-4-29](#), and [54-4-30](#) if the
37 telecommunications corporation is:

38 (i) a competitive entrant pursuant to Section [54-8b-2.1](#); or

39 (ii) an incumbent telecommunications corporation that has pricing flexibility pursuant
40 to Section [54-8b-2.3](#).

41 (b) A telecommunications corporation that is exempt under Subsection (1) shall notify
42 the commission in writing prior to the conclusion of any transaction that would otherwise be
43 subject to Section [54-4-28](#), [54-4-29](#), or [54-4-30](#).

44 (2) The exemption described in Subsection (1) does not apply if the
45 telecommunications corporation receives high cost support from the Universal Public
46 Telecommunications Support Fund established in Section [54-8b-15](#), other than a one-time
47 distribution described in Section [54-8b-15](#).