

BROADBAND SERVICE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill modifies provisions related to the regulation of Internet protocol services.

Highlighted Provisions:

This bill:

- ▶ defines terms,
- ▶ grants rulemaking authority to the Public Service Commission;
- ▶ grants the commission authority to regulate Internet service providers, broadband service, and voice over Internet protocol services in the state; and
- ▶ requires the commission to annually report the results of the commission's evaluations to the Public Utilities, Energy, and Technology Interim Committee.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

54-19-102, as enacted by Laws of Utah 2012, Chapter 241

54-19-103, as enacted by Laws of Utah 2012, Chapter 241

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



28 Section 1. Section 54-19-102 is amended to read:

29 **54-19-102. Definitions.**

30 As used in this section:

31 (1) (a) "Broadband service" means mass market retail service that provides the
32 capability to transmit data to and receive data from all or substantially all Internet endpoints.

33 (b) "Broadband service" includes any capabilities that are incidental to and that enable
34 the operation of voice over Internet protocol services.

35 (c) "Broadband service" does not include dial-up service.

36 ~~[(1)]~~ (2) "Internet protocol-enabled service" means any service, functionality, or
37 application that uses Internet protocol or a successor protocol that enables an end-user to send
38 or receive voice, data, or video communications.

39 (3) "Internet service provider" means a person, qualified to do business in this state,
40 that provides persons with the ability to connect to the Internet.

41 ~~[(2)]~~ (4) "Voice over Internet protocol service" means any service that:

42 (a) enables real time, two-way voice communication originating from or terminating at
43 the user's location in Internet protocol or a successor protocol;

44 (b) uses a broadband connection from the user's location; and

45 (c) permits a user to receive a telephone call that originates on the public switched
46 telephone network and to terminate a call to the public switched telephone network.

47 Section 2. Section 54-19-103 is amended to read:

48 **54-19-103. Regulation of broadband and voice over Internet protocol services.**

49 ~~(1) [A state agency and political subdivision of the state may not, directly or indirectly,~~
50 ~~regulate Internet protocol-enabled service or voice over Internet protocol service]~~ The
51 commission shall regulate broadband services and voice over Internet protocol services in this
52 state.

53 ~~(2) [The regulatory prohibition in Subsection (1) does not:]~~ The commission shall
54 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
55 regulation of broadband services and voice over Internet protocol services, that:

56 (a) ensure the resiliency and reliability of broadband infrastructure by requiring Internet
57 providers to submit information related to network reliability, including outage reporting;

58 (b) promote public safety and adequacy of networks by reviewing and monitoring the

59 cyber security protocols, emergency preparedness, and plans of the Internet service providers
60 for post-emergency network restoration, including establishing minimum power back-up
61 requirements and requiring all Internet service providers to maintain networks sufficiently to
62 ensure reliable and safe communications services; and

63 (c) require Internet service providers to report data on the deployment, availability,
64 pricing, and adoption of broadband services and voice over Internet protocol services.

65 (3) Based on complaints received or data collected from providers, the commission is
66 authorized to conduct evaluations and audits of facilities and infrastructure used to provide
67 high-speed Internet service and evaluate facilities and infrastructure with respect to public
68 safety, service quality, or network resiliency.

69 (4) The commission shall report annually to the Public Utilities, Energy, and
70 Technology Interim Committee on the commission's progress towards achieving the goals of
71 resiliency, public safety and service quality of broadband and voice over Internet protocol
72 service.

73 (5) If the commission finds, after a hearing upon its own motion or upon complaint,
74 that the practices, facilities, or service of any Internet service provider are unjust, unreasonable,
75 unsafe, improper, or inadequate to ensure network reliability, resiliency, and public safety, in
76 that they fail to meet the standards and requirements established by the commission under
77 Subsection (2), the commission may order the broadband service provider to undertake
78 remedial action.

79 (6) This section does not:

80 (a) affect or limit the enforcement of criminal or civil laws, including consumer
81 protection and unfair or deceptive trade practice laws, that apply to the conduct of business;

82 (b) affect, limit, or prohibit the current or future assessment of:

83 (i) a tax;

84 (ii) a 911 fee;

85 (iii) a universal service fund fee;

86 (iv) a telecommunication relay fee; or

87 (v) a public utility regulatory fee;

88 (c) affect or modify:

89 (i) a right or obligation of any telecommunications carrier under 47 U.S.C. Sec. 251

90 and 47 U.S.C. Sec. 252;

91 (ii) any commission obligation to implement or enforce federal law;

92 (iii) a duty or power of the commission, under 47 U.S.C. Sec. 251 and 47 U.S.C. Sec.

93 252, including arbitration and enforcement of an interconnection agreement;

94 (iv) any obligation for the provision of video service by any person; or

95 (v) the application of Section [54-8b-2.1](#); or

96 (d) affect the authority of the state or a political subdivision of the state to manage the

97 use of a public right of way, including any requirement for the joint use of utility poles or other

98 structures in the right of way.