

AMENDED IN ASSEMBLY AUGUST 7, 2002

AMENDED IN ASSEMBLY JUNE 27, 2002

AMENDED IN ASSEMBLY JUNE 18, 2002

AMENDED IN SENATE MAY 20, 2002

AMENDED IN SENATE APRIL 30, 2002

AMENDED IN SENATE APRIL 22, 2002

SENATE BILL

No. 1563

Introduced by Senator Polanco

February 20, 2002

An act to amend Section 709 of, and to add and repeal Section 709.3 of, the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 1563, as amended, Polanco. Telecommunications: services.

Existing law, the Public Utilities Act, sets forth the findings and declarations of the Legislature regarding described policies for telecommunications in California.

This bill would include within those policies, assisting in bridging the “digital divide” by encouraging expanded access to state-of-the-art technologies for rural, inner-city, low-income, and disabled Californians, and encouraging fair treatment of consumers through consumer-oriented conduct.

The bill would also require the Public Utilities Commission, not later than April 1, 2003, to convene a proceeding to develop a plan for encouraging the widespread availability *and use* of advanced ~~telecommunications~~ *communications* infrastructure, and would require

the proceeding to encourage participation from a broad cross section of the ~~telecommunications~~ *communications* industries, including those entities that the commission does not regulate, as well as users and community representatives. The bill would require the commission to encourage participation by community-based organizations, including nonprofit community technology programs, as defined, and libraries.

The bill would require the commission to submit a report to the Governor and the Legislature no later than December 31, 2004, of its findings and recommendations regarding the plan, that identifies ~~areas where telecommunications infrastructure is inadequate, factors preventing the ubiquitous availability and use of advanced communications services, and~~ assesses the consequences of ~~and develops strategies for addressing this inadequacy, and develops strategies for~~ while encouraging the deployment of adequate investment.

The bill would provide that the provisions concerning the commission's convening of a proceeding and the related report would be repealed on January 1, 2005.

This bill would incorporate additional changes to Section 709 to be operative if this bill and SB 1863 are enacted and become effective on or before January 1, 2003, and this bill is enacted last.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 709 of the Public Utilities Code is
2 amended to read:

3 709. The Legislature hereby finds and declares that the
4 policies for telecommunications in California are as follows:

5 (a) To continue our universal service commitment by assuring
6 the continued affordability and widespread availability of
7 high-quality telecommunications service to all Californians.

8 (b) To encourage the development and deployment of new
9 technologies and the equitable provision of services in a way that
10 efficiently meets consumer need and encourages the ubiquitous
11 availability of a wide choice of state-of-the-art services.

12 (c) To assist in bridging the "digital divide" by encouraging
13 expanded access to state-of-the-art technologies for rural,
14 inner-city, low-income, and disabled Californians.



(d) To promote economic growth, job creation, and the substantial social benefits that will result from the rapid implementation of advanced information and communications technologies by adequate long-term investment in the necessary infrastructure.

(e) To promote lower prices, broader consumer choice, and avoidance of anticompetitive conduct.

(f) To remove the barriers to open and competitive markets and promote fair product and price competition in a way that encourages greater efficiency, lower prices, and more consumer choice.

(g) To encourage fair treatment of consumers through provision of sufficient information for making informed choices, establishment of reasonable service quality standards, and establishment of processes for equitable resolution of billing and service problems.

SEC. 2. *Section 709 of the Public Utilities Code is amended to read:*

709. The Legislature hereby finds and declares that the policies for telecommunications in California are as follows:

(a) To continue our universal service commitment by assuring the continued affordability and widespread availability of high-quality telecommunications ~~service~~ *services* to all Californians.

(b) *To focus efforts on providing educational institutions, health care institutions, community-based organizations, and governmental institutions with access to advanced telecommunications services in recognition of their economic and societal impact.*

(c) To encourage the development and deployment of new technologies and the equitable provision of services in a way ~~which~~ *that* efficiently meets consumer need and encourages the ubiquitous availability of a wide choice of state-of-the-art services.

~~(e)–~~

(d) *To assist in bridging the “digital divide” by encouraging expanded access to state-of-the-art technologies for rural, inner-city, low-income, and disabled Californians.*

(e) To promote economic growth, job creation, and the substantial social benefits that will result from the rapid

1 implementation of advanced information and communications
2 technologies by adequate long-term investment in the necessary
3 infrastructure.

4 ~~(d)–~~

5 (f) To promote lower prices, broader consumer choice, and
6 avoidance of anticompetitive conduct.

7 ~~(e)–~~

8 (g) To remove the barriers to open and competitive markets and
9 promote fair product and price competition in a way that
10 encourages greater efficiency, lower prices, and more consumer
11 choice.

12 (h) *To encourage fair treatment of consumers through*
13 *provision of sufficient information for making informed choices,*
14 *establishment of reasonable service quality standards, and*
15 *establishment of processes for equitable resolution of billing and*
16 *service problems.*

17 SEC. 3. Section 709.3 is added to the Public Utilities Code, to
18 read:

19 709.3. (a) (1) No later than April 1, 2003, the commission
20 shall convene a proceeding to develop a plan for encouraging the
21 widespread availability of ~~advanced telecommunications~~ *and use*
22 *of advanced communications* infrastructure. The proceeding shall
23 encourage participation that includes a broad cross section of the
24 ~~telecommunications~~ *communications* industries, including those
25 entities that the commission does not regulate, as well as users and
26 community representatives. The commission shall also encourage
27 participation by community-based organizations, including, but
28 not limited to, nonprofit community technology programs and
29 libraries; that have demonstrated success in assisting low-income
30 residents in bridging the digital divide.

31 (2) For the purposes of this section, “nonprofit community
32 technology program” means a community-based nonprofit
33 organization that is exempt from taxation under Section 501(c)(3)
34 of the Internal Revenue Code and engages in diffusing technology
35 into local communities and training local communities that have
36 no access to, or have limited access to, the Internet and other
37 technologies.

38 (b) The mission of the plan is to identify ~~areas where~~
39 ~~telecommunications infrastructure is inadequate, assess the~~
40 ~~consequences of this inadequacy, and develop strategies for~~

1 ~~encouraging the deployment of adequate investment.~~ factors
2 *preventing the ubiquitous availability and use of advanced*
3 *communications services, assess the consequences of, and develop*
4 *strategies for, addressing these factors while encouraging the*
5 *deployment of adequate investment for advanced communications*
6 *infrastructure that serves the public good and is consistent with the*
7 *policies described in Section 709.*

8 (c) The commission shall submit a report of its findings and
9 recommendations to the Governor and Legislature, not later than
10 December 31, 2004.

11 (d) This section shall remain in effect only until January 1,
12 2005, and as of that date is repealed, unless a later enacted statute,
13 that is enacted before January 1, 2005, deletes or extends that date.

14 *SEC. 4. Section 2 of this bill incorporates amendments to*
15 *Section 709 of the Public Utilities Code proposed by both this bill*
16 *and SB 1863. It shall only become operative if (1) both bills are*
17 *enacted and become effective on or before January 1, 2003, (2)*
18 *each bill amends Section 709 of the Public Utilities Code, and (3)*
19 *this bill is enacted after SB 1863, in which case Section 1 of this*
20 *bill shall not become operative.*

