

Introduced by Senator Runner

February 18, 2005

An act to add Section 7915 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 534, as introduced, Runner. Telecommunications: mobile telephony services.

The existing federal Telecommunications Act of 1996 preempts any state or local statute or regulation that may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service, but does not prohibit a state from imposing on a competitively neutral basis, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers. The prohibition also contains a "safe harbor" that does not affect the authority of a state or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis.

Under existing law, the Federal Communications Commission licenses and partially regulates providers of commercial mobile radio service, including providers of cellular radiotelephone service (cellular), broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR) services (collectively, mobile telephony service providers). Under existing law, no state or local government may regulate the entry of, or the rates charged by, any commercial mobile radio service, but a state or local government is

generally not prohibited from regulating the other terms and conditions of commercial mobile radio service.

Existing law authorizes the Public Utilities Commission to regulate telecommunications services and rates of telephone corporations, except to the extent regulation of commercial mobile radio service is preempted by federal regulation, and to require telephone corporations to provide customer services.

This bill would require that a provider of mobile telephony services, as defined, post information on its Internet Web site to inform subscribers and the public when a public hearing is scheduled relative to a request for authorization to erect towers and other facilities, including wireless repeaters, amplifiers, regenerative repeaters, and regenerators, necessary to support the provider's wireless communication network.

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

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

- 1 SECTION 1. Section 7915 is added to the Public Utilities
- 2 Code, to read:
- 3 7915. (a) A provider of mobile telephony services shall post
- 4 information on its Internet Web site to inform subscribers and the
- 5 public when a public hearing is scheduled relative to a request for
- 6 authorization to erect towers and other facilities, including
- 7 wireless repeaters, amplifiers, regenerative repeaters, and
- 8 regenerators, necessary to support the provider's wireless
- 9 communication network.
- 10 (b) For purposes of this section, "mobile telephony services"
- 11 means commercially available interconnected mobile phone
- 12 services that provide access to the public switched telephone
- 13 network (PSTN) via mobile communication devices employing
- 14 radiowave technology to transmit calls, including cellular
- 15 radiotelephone, broadband Personal Communications Services
- 16 (PCS), and digital Specialized Mobile Radio (SMR).