

AMENDED IN ASSEMBLY APRIL 22, 1999

AMENDED IN ASSEMBLY APRIL 19, 1999

AMENDED IN ASSEMBLY APRIL 7, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 991

Introduced by Assembly Member Papan

February 25, 1999

An act to add Section 709.7 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 991, as amended, Papan. Internet access: line sharing.

Under the Public Utilities Act, the Public Utilities Commission has the authority to regulate public utilities, including telephone corporations.

This bill would enact the California High Speed Internet Access Act of 1999. The bill would require the Public Utilities Commission to monitor and participate in a specified proceeding of the Federal Communications Commission addressing whether to require incumbent local exchange carriers, as defined, to permit interconnection by competitive data local exchange carriers, as defined, at any technically feasible point, to permit those competitive local exchange carriers to provide high bandwidth data services over telephone lines with voice services provided by incumbent local exchange carriers. The bill would require the Public Utilities Commission, if the Federal Communications

Commission adopts an order on or before January 1, 2000, with regard to that specified federal proceeding, to comply with, and implement, as the Public Utilities Commission determines to be necessary, that order, consistent with state and federal law, within 90 days from the date that such an order becomes final. The bill would require the Public Utilities Commission, if the Federal Communications Commission does not adopt an order on or before January 1, 2000, with regard to that specified federal proceeding, to examine the technical, operational, economic, and policy implications of interconnection, and, if the Public Utilities Commission determines it to be appropriate, to adopt rules to require incumbent local exchange carriers in this state to permit competitive data local exchange carriers to provide high bandwidth data services over telephone lines with voice services provided by incumbent local exchange carriers. The bill would make related legislative findings and declarations and statements of legislative intent.

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. The Legislature hereby finds and
- 2 declares all of the following:
- 3 (a) The Legislature has encouraged and continues to
- 4 encourage the rapid deployment of advanced
- 5 telecommunications services and capabilities to all
- 6 Californians. In effect, those persons excluded from
- 7 high-speed networks today will find themselves excluded
- 8 from the economic opportunities of tomorrow.
- 9 (b) High bandwidth connections between the
- 10 telecommunications network and end users in California
- 11 facilitate the availability of important new
- 12 telecommunications services and capabilities, including
- 13 telemedicine, distance learning, telecommuting,
- 14 high-speed Internet access, and video telephony.
- 15 (c) The California economy will benefit significantly
- 16 from expanded competition and availability of high
- 17 bandwidth services provided over the telephone network



1 to individual consumers, small and medium sized
2 businesses, and educational facilities.

3 (d) Expanded competition and availability for high
4 bandwidth services can add over \$64,000,000,000 to gross
5 state output and create over 600,000 new jobs in
6 California by the end of 2001.

7 (e) In order to ensure that California consumers will
8 benefit from broad availability of high-speed access,
9 affordable pricing, and the highest quality of consumer
10 service, the Legislature instructs the Public Utilities
11 Commission to take certain actions to monitor and
12 participate in the pending proceeding of the Federal
13 Communications Commission, entitled "In the Matters of
14 Deployment of Wireline Services Offering Advanced
15 Telecommunications Capability," CC Docket No. 98-147,
16 adopted March 18, 1999 (the Advanced Services Docket),
17 in which the Federal Communications Commission is
18 engaging in a rulemaking proceeding to consider issues
19 related to loop access, pricing, and cost allocation in the
20 provision of broadband data services over telephone lines
21 provided by an incumbent local exchange carrier.

22 (f) The Federal Communications Commission has
23 established the following initial deadlines for the
24 Advanced Services Docket: June 15, 1999, for comments
25 and July 15, 1999, for reply comments. Based on those
26 dates, the Legislature believes that the Federal
27 Communications Commission will complete its
28 rulemaking proceeding before January 1, 2000, and that
29 the ~~Federal Communications~~ *Public Utilities*
30 Commission will benefit significantly from the
31 development of the record in the Advanced Services
32 Docket.

33 SEC. 2. It is the intent of the Legislature that the
34 Public Utilities Commission do one of the following:

35 (a) If the Federal Communications Commission
36 adopts an order on or before January 1, 2000, with regard
37 to its proceeding entitled "In the Matters of Deployment
38 of Wireline Services Offering Advanced
39 Telecommunications Capability," CC Docket No. 98-147,
40 adopted March 18, 1999, that the Public Utilities

1 Commission comply with, and implement, that order,
2 consistent with state and federal law, within 90 days from
3 the date that such an order becomes final.

4 (b) If the Federal Communications Commission does
5 not adopt an order on or before January 1, 2000, with
6 regard to its proceeding entitled “In the Matters of
7 Deployment of Wireline Services Offering Advanced
8 Telecommunications Capability,” CC Docket No. 98-147,
9 adopted March 18, 1999, that the Public Utilities
10 Commission expeditiously examine the technical,
11 operational, economic, and policy implications of line
12 sharing and, if the Public Utilities Commission
13 determines it to be appropriate, adopt rules to require
14 incumbent local exchange carriers in this state to permit
15 competitive data local exchange carriers to provide high
16 bandwidth data services over telephone lines with voice
17 services provided by incumbent local exchange carriers.

18 SEC. 3. Section 709.7 is added to the Public Utilities
19 Code, to read:

20 709.7. (a) This section shall be known as and may be
21 cited as the California High Speed Internet Access Act of
22 1999.

23 (b) The Public Utilities Commission shall monitor and
24 participate in the proceeding of the Federal
25 Communications Commission, entitled “In the Matters of
26 Deployment of Wireline Services Offering Advanced
27 Telecommunications Capability,” CC Docket No. 98-147,
28 adopted March 18, 1999, addressing whether to require
29 incumbent local exchange carriers to permit
30 interconnection by competitive data local exchange
31 carriers at any technically feasible point to permit those
32 competitive local exchange carriers to provide high
33 bandwidth data services over telephone lines with voice
34 services provided by incumbent local exchange carriers.

35 (c) If the Federal Communications Commission
36 adopts an order on or before January 1, 2000, with regard
37 to the proceeding described in subdivision (b), the Public
38 Utilities Commission shall *comply with, and implement,*
39 *as the Public Utilities Commission determines to be*
40 *necessary, that order, consistent with state and federal*

1 law, within 90 days from the date that such an order
2 becomes final. If the Federal Communications
3 Commission does not adopt an order on or before January
4 1, 2000, with regard to the proceeding described in
5 subdivision (b), the Public Utilities Commission shall
6 expeditiously examine the technical, operational,
7 economic, and policy implications of interconnection as
8 described in subdivision (b) and, if the Public Utilities
9 Commission determines it to be appropriate, adopt rules
10 to require incumbent local exchange carriers in this state
11 to permit competitive data local exchange carriers to
12 provide high bandwidth data services over telephone
13 lines with voice services provided by incumbent local
14 exchange carriers.

15 (d) As used in this section, the following terms have
16 the following meanings:

17 (1) "Incumbent local exchange carrier" has the same
18 meaning as that term is defined in Section 251(h)(1) of
19 Title 47 of the United States Code.

20 (2) "Competitive data local exchange carrier" has the
21 same meaning as the term "local exchange carrier," as
22 defined in Section 153(26) of Title 47 of the United States
23 Code.

