

AMENDED IN SENATE JUNE 29, 1999
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
(Principal coauthor: Senator Bowen)

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 in a manner that* the Public Utilities Commission determines to be ~~necessary~~ *appropriate*, that order, *as prescribed*, 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



1 telemedicine, distance learning, telecommuting,
2 high-speed Internet access, and video telephony.

3 (c) The California economy will benefit significantly
4 from expanded competition and availability of high
5 bandwidth services provided over the telephone network
6 to individual consumers, small and medium sized
7 businesses, and educational facilities.

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

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

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

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

39 (a) If the Federal Communications Commission
40 adopts an order on or before January 1, 2000, with regard

1 to its proceeding entitled “In the Matters of Deployment
2 of Wireline Services Offering Advanced
3 Telecommunications Capability,” CC Docket No. 98-147,
4 adopted March 18, 1999, that the Public Utilities
5 Commission comply with, and implement, that order,
6 consistent with state and federal law, within 90 days from
7 the date that such an order ~~becomes final~~ *is published in*
8 *the Federal Register*.

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

23 SEC. 3. Section 709.7 is added to the Public Utilities
24 Code, to read:

25 709.7. (a) This section shall be known as and may be
26 cited as the California High Speed Internet Access Act of
27 1999.

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

1 (c) If the Federal Communications Commission
 2 adopts an order on or before January 1, 2000, with regard
 3 to the proceeding described in subdivision (b), the Public
 4 Utilities Commission shall comply with, and implement,
 5 ~~as in a manner that~~ the Public Utilities Commission
 6 determines to be ~~necessary, that order~~ *appropriate, that*
 7 *order, as it pertains to loop access, pricing, and cost*
 8 *allocation in the provision of broadband data services*
 9 *over telephone lines provided by an incumbent local*
 10 *exchange carrier*, consistent with state and federal law,
 11 within 90 days from the date that such an order becomes
 12 final. If the Federal Communications Commission does
 13 not adopt an order on or before January 1, 2000, with
 14 regard to the proceeding described in subdivision (b),
 15 the Public Utilities Commission shall expeditiously
 16 examine the technical, operational, economic, and policy
 17 implications of interconnection as described in
 18 subdivision (b) and, if the Public Utilities Commission
 19 determines it to be appropriate, adopt rules to require
 20 incumbent local exchange carriers in this state to permit
 21 competitive ~~data~~ local exchange carriers to provide high
 22 bandwidth data services over telephone lines with voice
 23 services provided by incumbent local exchange carriers.

24 (d) As used in this section, the following terms have
 25 the following meanings:

26 (1) “Incumbent local exchange carrier” has the same
 27 meaning as that term is defined in Section 251(h)(1) of
 28 Title 47 of the United States Code.

29 (2) “Competitive ~~data~~ local exchange carrier” has the
 30 same meaning as the term “local exchange carrier,” as
 31 defined in Section 153(26) of Title 47 of the United States
 32 Code.