

Assembly Bill No. 991

CHAPTER 714

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

[Approved by Governor October 6, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 991, 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, in a manner that the Public Utilities Commission determines to be appropriate, that order, as prescribed, consistent with state and federal law, within 90 days from the date that the rules adopted by that order are published in the Federal Register. 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 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.

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

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) The Legislature has encouraged and continues to encourage the rapid deployment of advanced telecommunications services and capabilities to all Californians. In effect, those persons excluded from high-speed networks today will find themselves excluded from the economic opportunities of tomorrow.

(b) High bandwidth connections between the telecommunications network and end users in California facilitate the availability of important new telecommunications services and capabilities, including telemedicine, distance learning, telecommuting, high-speed Internet access, and video telephony.

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

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

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

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

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

(a) If the Federal Communications Commission adopts an order on or before January 1, 2000, with regard to its proceeding entitled "In the Matters of Deployment of Wireline Services Offering

Advanced Telecommunications Capability,” CC Docket No. 98-147, adopted March 18, 1999, that the Public Utilities Commission comply with, and implement, that order, consistent with state and federal law, within 90 days from the date that the rules adopted by that order are published in the Federal Register.

(b) If the Federal Communications Commission does not adopt an order on or before January 1, 2000, with regard to its proceeding entitled “In the Matters of Deployment of Wireline Services Offering Advanced Telecommunications Capability,” CC Docket No. 98-147, adopted March 18, 1999, that the Public Utilities Commission expeditiously examine the technical, operational, economic, and policy implications of line sharing and, if the Public Utilities Commission determines it to be appropriate, 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.

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

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

(b) The Public Utilities Commission shall monitor and participate in the proceeding of the Federal Communications Commission, entitled “In the Matters of Deployment of Wireline Services Offering Advanced Telecommunications Capability,” CC Docket No. 98-147, adopted March 18, 1999, addressing whether to require incumbent local exchange carriers to permit interconnection by competitive data local exchange carriers 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.

(c) If the Federal Communications Commission adopts an order on or before January 1, 2000, with regard to the proceeding described in subdivision (b), the Public Utilities Commission shall comply with, and implement, in a manner that the Public Utilities Commission determines to be appropriate, that order, as it pertains to loop access, pricing, and cost allocation in the provision of broadband data services over telephone lines provided by an incumbent local exchange carrier, consistent with state and federal law, within 90 days from the date that the rules adopted by that order are published in the Federal Register. If the Federal Communications Commission does not adopt an order on or before January 1, 2000, with regard to the proceeding described in subdivision (b), the Public Utilities Commission shall expeditiously examine the technical, operational, economic, and policy implications of interconnection as described in subdivision (b) and, if the Public Utilities Commission determines it to be appropriate, adopt rules to require incumbent local exchange carriers in this state to permit competitive local exchange carriers to



provide high bandwidth data services over telephone lines with voice services provided by incumbent local exchange carriers.

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

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

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

