

WORKING DRAFT

HOUSE BILL NO. _____

Telecommunications.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to telecommunications; providing for
2 deregulation of price controls; repealing the universal
3 service fund; providing conforming amendments; and
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 37-15-101, 37-15-103(a)(v) and (x),
9 37-15-104(a)(ii), (ix), (x) and (xi), 37-15-201(a) and (b),
10 37-15-204(a), (b) and (d), 37-15-401(a) by creating a new
11 paragraph (vii), 37-15-405, 37-15-406(a), 37-15-407(a) and
12 37-15-408 are amended to read:

13

14 **37-15-101. Short title.**

15

1 This chapter shall be known as the "Wyoming
2 Telecommunications Act." ~~of 1995.~~

3

4 **37-15-103. Definitions.**

5

6 (a) As used in this chapter:

7

8 (v) "Interexchange telecommunications company"
9 means a person providing telecommunications service to
10 connect end users located in different local exchange
11 areas; ~~but excluding companies which also provide~~
12 ~~noncompetitive local exchange services;~~

13

14 (x) "Price" means any rate or charge ~~set and~~
15 published in accordance with this chapter and collected by
16 the telecommunications company for any telecommunications
17 service offered by it to the public or other
18 telecommunications companies;

19

20 **37-15-104. Services not regulated by this title.**

21

22 (a) Except for ~~contributions to the universal service~~
23 ~~fund required pursuant to W.S. 37-15-501 and~~ the assessment
24 levied pursuant to W.S. 37-2-106 through 37-2-109,

1 telecommunications service does not include, and the
2 provisions of this title do not apply to:

3

4 (ii) ~~Except as provided in this paragraph, Home~~
5 and business and coinless, or coin operated public or
6 semipublic telephone terminal equipment, and the use,
7 location and charges for the use of such equipment; ~~The~~
8 ~~commission may regulate the location of and charges for~~
9 ~~coinless or coin operated public or semipublic telephone~~
10 ~~terminal equipment in areas of the state which the~~
11 ~~commission finds are not subject to competition for such~~
12 ~~equipment;~~

13

14 (ix) Nonvoice data services; ~~not operated by a~~
15 ~~company providing local exchange service;~~

16

17 (x) Networks established ~~by a person other than~~
18 ~~the local exchange company providing essential~~
19 ~~telecommunications services within the local exchange area~~
20 to provide access to interexchange carrier services;

21

22 (xi) ~~Except as provided in this paragraph,~~
23 Direct inward dial services and other services needed by
24 answering services and paging services; ~~To the extent not~~

1 ~~preempted by federal law or regulation the commission shall~~
2 ~~regulate direct inward dial services and other services~~
3 ~~needed by answering services and paging services as~~
4 ~~noncompetitive services in any local exchange area until~~
5 ~~there are at least two (2) telecommunications companies~~
6 ~~effectively offering direct inward dial and other needed~~
7 ~~services to the answering services and paging services~~
8 ~~serving that local exchange area;~~

9

10 ARTICLE 2 - REGULATION OF MARKETS

11

12 **37-15-201. Regulation of local exchange services;**
13 **certificates of public convenience and necessity;**
14 **concurrent certificates.**

15

16 (a) ~~Except for those telecommunications companies~~
17 ~~that as of January 1, 1995, have a valid certificate of~~
18 ~~public convenience and necessity previously issued by the~~
19 ~~commission to provide local exchange services in the state,~~

20 All telecommunications companies seeking to offer and
21 provide local exchange service shall obtain a certificate
22 of public convenience and necessity from the commission
23 prior to providing that service in this state.

24

1 (b) The commission shall grant a concurrent
2 certificate or certificates of public convenience and
3 necessity to provide local exchange service ~~in the service~~
4 ~~territory of a local exchange company with more than thirty~~
5 ~~thousand (30,000) access lines in the state~~ if it finds,
6 after notice and opportunity for hearing, that the
7 applicant possesses sufficient technical, financial and
8 managerial resources to provide safe, adequate and reliable
9 local exchange services within the identified geographic
10 area.

11

12 **37-15-204. Price schedules filed with the commission.**

13

14 (a) ~~A local exchange company~~ All telecommunications
15 companies shall file with the commission, in such form and
16 detail as the commission may require, schedules showing all
17 ~~competitive and noncompetitive~~ telecommunications services
18 terms, conditions and prices, including prices set by
19 contract, currently in effect and charged to customers by
20 the company in this state. All prices for new
21 ~~noncompetitive~~ telecommunications services, and any change
22 in prices for ~~noncompetitive~~ telecommunications services,
23 shall be filed thirty (30) days prior to the proposed
24 effective date unless a shorter filing period is authorized

1 by the commission. No price increase for a ~~noncompetitive~~
2 service shall be effective unless the customer has been
3 given notice by the provider at least one (1) full billing
4 cycle prior to the proposed increase. ~~All price changes~~
5 ~~for competitive services shall be effective as provided for~~
6 ~~in the company's price schedule.~~ No price or price change
7 is effective until filed in accordance with this section.
8 Prices charged for ~~competitive~~ services shall be in
9 accordance with its price schedule unless a separate
10 contract is negotiated. For purposes of this subsection,
11 the rules, regulations, policies, practices and other
12 requirements relating to services shall be filed with the
13 commission in such form and detail as the commission may
14 require. ~~Rules, regulations, policies, practices and other~~
15 ~~requirements relating to competitive services shall be~~
16 ~~subject to the same requirements under this chapter as the~~
17 ~~prices of competitive services.~~ Those relating to
18 ~~noncompetitive services shall be subject to the same~~
19 ~~requirements under this chapter as the prices of~~
20 ~~noncompetitive services.~~

21

22 (b) A local exchange company may by contract or by
23 price schedule provide telecommunications services ~~which~~
24 ~~are found to be competitive~~ at prices and under terms and

1 conditions that are specific to a particular customer or
2 group of customers. Copies of contracts and price
3 schedules shall be filed with the commission in the same
4 manner as price schedules. ~~Contract prices shall equal or~~
5 ~~exceed long-run incremental costs.~~ Contracts and price
6 schedules filed under this section shall be given
7 confidential status if requested by the filing party.

8
9 (d) Any prices for ~~competitive~~ telecommunications
10 services or prices for telecommunications services which
11 are agreed to as a result of competitive bidding or
12 negotiations, charged by contract and required to be filed
13 with the commission under the provisions of this chapter,
14 shall be afforded confidential and proprietary protection
15 by the commission upon application and a showing of good
16 cause by the company filing the contract.

17

18 **37-15-401. Commission powers.**

19

20 (a) In addition to the powers exercised pursuant to
21 the provisions of W.S. 37-15-408, the commission has the
22 power to:

23

1 (vii) Exercise authority as delegated under the
2 Federal Communications Act of 1934, as amended.

3
4 **37-15-405. Complaint against prices.**

5
6 Any person, and the commission on its own motion, may
7 complain to the commission concerning the reasonableness of
8 the price of any ~~noncompetitive~~ telecommunications service.

9 Any notice and hearing of any complaint shall be in
10 accordance with the Wyoming Administrative Procedure Act
11 and this chapter. The commission shall only set aside any
12 price it finds after notice and hearing to be unreasonable
13 or unreasonably discriminatory. If the commission sets
14 aside a price as unreasonable or unreasonably
15 discriminatory, the telecommunications company shall have
16 sixty (60) days to file a new price which is reasonable.

17 The company shall refund any charges found to be
18 unreasonable as ordered by the commission. ~~Any price set~~
19 ~~in compliance with the provisions of W.S. 37-15-402 is~~
20 ~~presumed to be fair and reasonable, subject to rebuttal by~~
21 ~~the commission or any party to the hearing.~~

22

1 ***** Staff note: There are no standards**
2 **set for the Commission to determine**
3 **reasonableness. *****

4
5 **37-15-406. Quality of service.**

6
7 (a) Each telecommunications company shall perform a
8 study to determine the reasonable measures of customer
9 service satisfaction and service adequacy for all
10 classifications of ~~noncompetitive and competitive~~
11 telecommunications services and, no later than September 1,
12 1995, submit to the commission its proposed service quality
13 standards for those services. These proposals shall be
14 considered in any rulemaking on quality undertaken by the
15 commission pursuant to W.S. 37-15-401(a)(iii).

16
17 **37-15-407. Annual report.**

18
19 (a) The commission shall with the input and
20 participation of the telecommunications industry and other
21 relevant state departments, boards and agencies prepare and
22 issue an annual report on the status of the
23 telecommunications industry ~~and Wyoming regulation thereof~~
24 ~~on January 10 of each year beginning in 1996.~~ Such report

1 shall be based on information provided to the commission
2 and shall include:

3

4 **37-15-408. Applicability of existing law.**

5

6 W.S. ~~37-1-104 through 37-1-106,~~ 37-2-102, 37-2-104, 37-2-
7 106 through 37-2-109, 37-2-113, 37-2-115 through 37-2-118,
8 37-2-124, 37-2-125, 37-2-130, 37-2-203, 37-2-205(a), 37-2-
9 209, 37-2-214 through 37-2-216, 37-2-218, 37-2-301 through
10 37-2-306, 37-3-114, 37-4-101 through 37-4-104, 37-12-120
11 through 37-12-130, 37-12-201, 37-12-202, 37-12-204 through
12 ~~37-12-209, 37-12-211 through~~ 37-12-213, 37-12-301 through
13 37-12-304 and 37-13-101 through 37-13-137, inclusive,
14 unless in conflict with other provisions of this chapter,
15 are applicable to telecommunications companies and
16 telecommunication companies shall be considered public
17 utilities for the purposes of those provisions. ~~For~~
18 ~~purposes of this chapter W.S. 37-3-106(b) and (c) shall~~
19 ~~apply to telecommunications companies which are rate of~~
20 ~~return regulated.~~

21

22 **Section 2.** W.S. 37-15-102, 37-15-103(a)(i), (iii),
23 (iv), (vi), (viii), (ix), (xiii), (xiv) and (xvi) and (b),
24 37-15-104(a)(vi)(C), 37-15-201(c) through (h), 37-15-202,

1 37-15-203, 37-15-402, 37-15-403, 37-15-404(c), 37-15-410,
2 37-15-411, 37-15-501 and 37-15-502 are repealed.

3

4 **Section 3.** This act is effective July 1, 2007.

5

6

(END)