

HOUSE BILL NO. HB0239

Telecommunications-deregulation.

Sponsored by: Representative(s) Zwonitzer

A BILL

for

1 AN ACT relating to telecommunications; amending regulatory
2 authority over telecommunications companies and affiliated
3 groups deemed to be competitive as specified; making
4 conforming amendments; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 37-15-103(a)(iii) and (ix) and
9 37-15-202(a)(intro), (b), (j)(intro) and (v) are amended to
10 read:

11

12 **37-15-103. Definitions.**

13

14 (a) As used in this chapter:

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1 (iii) "Competitive telecommunications services"
2 means those services elected to be subject to competition
3 by a telecommunications company or found by the legislature
4 or the commission to be competitive in accordance with W.S.
5 37-15-202;

6
7 (ix) "Noncompetitive telecommunications
8 services" means those services which have not been elected
9 to be subject to competition by a telecommunications
10 company or found by the legislature or the commission to be
11 competitive in accordance with W.S. 37-15-202;

12
13 **37-15-202. Elections or determinations of competitive**
14 **services.**

15
16 (a) Upon notice to the commission, a
17 telecommunications company, or an affiliated group of a
18 telecommunications company, with fifty thousand (50,000)
19 access lines or more may elect to have its essential
20 telecommunications services subject to competition and
21 thereafter shall not be subject to regulation by the
22 commission, except as otherwise provided by subsection (j)
23 of this section, and shall not be eligible for funding

1 under W.S. 37-15-501 or 37-15-502. In any other instance,
2 upon petition by ~~any~~a telecommunications company or
3 pursuant to the commission's own motion, the commission
4 may, after notice and opportunity for hearing, find and
5 conclude that a telecommunications service is subject to
6 competition. Any service found to be effectively
7 competitive pursuant to this section shall not be subject
8 to regulation by the commission. The commission shall
9 consider only the following factors in determining whether
10 a telecommunications service is subject to effective
11 competition:

12

13 (b) Upon the commission's own motion or the petition
14 of any person, the commission may, after notice and the
15 opportunity for a hearing in accordance with the Wyoming
16 Administrative Procedure Act, find and conclude that a
17 telecommunications service found by the commission to be
18 competitive under subsection (a) of this section is no
19 longer subject to competition, and therefore not subject to
20 treatment as a competitive service under this chapter. All
21 hearings conducted pursuant to this subsection shall place
22 the burden of proof upon the commission or the petitioner

1 of establishing that a telecommunications service is no
2 longer subject to competition.

3

4 (j) Services elected or found to be competitive under
5 subsection (a), (c) or (d) of this section shall be subject
6 to the following:

7

8 (v) Certification as applicable under W.S.
9 37-15-201, except that this paragraph shall not apply to a
10 telecommunications company electing to have its services
11 subject to competition under subsection (a) of this
12 section.

13

14 **Section 2.** This act is effective July 1, 2017.

15

16 (END)