

IN THE SENATE

SENATE BILL NO. 1156

BY STATE AFFAIRS COMMITTEE

AN ACT

1  
2 RELATING TO THE TELECOMMUNICATIONS ACT OF 1988; AMENDING SECTION 62-606,  
3 IDAHO CODE, TO PROVIDE FOR EXCEPTIONS TO FILING TARIFFS OR PRICE LISTS,  
4 TO PROVIDE FOR WITHDRAWAL OF CERTAIN TARIFFS OR PRICE LISTS SUBJECT TO  
5 CERTAIN CONDITIONS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING  
6 SECTION 62-622, IDAHO CODE, TO PROVIDE FOR EXCEPTIONS TO FILING TARIFFS  
7 OR PRICE LISTS AND TO PROVIDE FOR WITHDRAWAL OF CERTAIN TARIFFS OR PRICE  
8 LISTS SUBJECT TO CERTAIN CONDITIONS.

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 62-606, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 62-606. REQUIREMENT FOR PRICE LIST OR TARIFF FILING -- WITHDRAWAL OF  
13 TARIFFS OR PRICE LISTS. (1) All telephone corporations which provide message  
14 telecommunication services, WATS service or access to their local exchange  
15 network for the provision of such services by the use of special access  
16 or private line access and switched access, or their equivalents, shall  
17 file with the commission, for information purposes, tariffs or price lists  
18 which reflect the availability, price, and terms and conditions for those  
19 services. Changes to such tariffs or price lists, except as hereinafter  
20 provided, shall be effective not less than ten (10) days after filing with  
21 the commission, and giving public notice to affected customers. Changes  
22 to tariffs or price lists that are for ~~non-recurring~~ nonrecurring services  
23 and that are quoted directly to the customer when an order is placed, or  
24 changes that result in price reductions, shall be effective immediately upon  
25 filing with the commission and no other public notice shall be required.  
26 Notwithstanding the foregoing, telephone corporations shall not be required  
27 to file tariffs or price lists for any services provided to business cus-  
28 tomers.

29 (2) Upon written notice to the commission and to its business cus-  
30 tomers, and after posting the rates, terms and conditions of its services  
31 on the carrier's public website, a telephone corporation may withdraw any  
32 tariff or price list not required to be filed under the provisions of this  
33 section, provided:

34 (a) The carrier continues to maintain the rates, terms and conditions  
35 of its services on the company's public website;

36 (b) The commission maintains access to such terms and conditions of the  
37 telephone corporation's service; and

38 (c) Nothing in this section overrides the commission's existing au-  
39 thority pursuant to section 62-616, Idaho Code, to resolve customer  
40 complaints.

1 SECTION 2. That Section 62-622, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 62-622. REGULATION OF BASIC LOCAL EXCHANGE RATES, SERVICES AND PRICE  
4 LISTS. (1) The commission shall regulate the prices for basic local exchange  
5 services for incumbent telephone corporations in accordance with the fol-  
6 lowing provisions:

7 (a) At the request of the incumbent telephone corporation, the com-  
8 mission shall establish maximum just and reasonable rates for basic  
9 local exchange service. Maximum basic local exchange rates shall be  
10 sufficient to recover the costs incurred to provide the services. Costs  
11 shall include authorized depreciation, a reasonable portion of shared  
12 and common costs, and a reasonable profit. Authorized depreciation  
13 lives shall use forward-looking competitive market lives. Authorized  
14 depreciation lives shall be applied prospectively and to undepreciated  
15 balances.

16 (b) At the request of the telephone corporation, the commission may  
17 find that existing rates for local services constitute the maximum  
18 rates.

19 (c) The commission shall issue its order establishing maximum rates no  
20 later than one hundred eighty (180) days after the filing of the request  
21 unless the telephone corporation consents to a longer period.

22 (d) An incumbent telephone corporation may charge prices lower than the  
23 maximum basic local exchange rates established by the commission. Pro-  
24 vided however, upon the petition of a nonincumbent telephone corpora-  
25 tion, the commission shall establish a minimum price for the incumbent  
26 telephone corporation's basic local exchange service if the commission  
27 finds, by a preponderance of the evidence, that the incumbent telephone  
28 corporation's prices for basic local exchange services in the local  
29 exchange area are below the incumbent telephone corporation's average  
30 variable cost of providing such services.

31 (e) After the commission has established maximum basic local exchange  
32 rates, an incumbent telephone corporation may change its tariffs or  
33 price lists reflecting the availability, price, terms and conditions  
34 for local exchange service effective not less than ten (10) days after  
35 filing with the commission and giving notice to affected customers.  
36 Changes to tariffs or price lists that are for nonrecurring services and  
37 that are quoted directly to the customer when an order for service is  
38 placed, or changes that result in price reductions or new service of-  
39 ferings, shall be effective immediately upon filing with the commission  
40 and no other notice shall be required.

41 (2) The commission shall not regulate the prices for basic local ex-  
42 change services for telephone corporations that were not providing such lo-  
43 cal service on or before February 8, 1996. Provided however, such telephone  
44 corporation providing basic local exchange services shall file price lists  
45 with the commission that reflect the availability, price, terms and condi-  
46 tions for such services. Changes to such price lists shall be effective not  
47 less than ten (10) days after filing with the commission and giving notice to  
48 affected customers. Changes to price lists that are for nonrecurring ser-  
49 vices and that are quoted directly to the customer when an order for service

1 is placed, or changes that result in price reductions or new service offer-  
 2 ings, shall be effective immediately upon filing with the commission and no  
 3 other notice shall be required. Notwithstanding the provisions of this sub-  
 4 section and subsection (1) of this section, telephone corporations that are  
 5 subject to the provisions of this subsection shall not be required to file  
 6 tariffs or price lists for basic local exchange services provided to busi-  
 7 ness customers.

8 Upon written notice to the commission and to its business customers, and  
 9 after posting the rates, terms and conditions of its services on the car-  
 10 rier's public website, a telephone corporation may withdraw any tariff or  
 11 price list not required to be filed under the provisions of this section,  
 12 provided:

13 (a) The carrier continues to maintain the rates, terms and conditions  
 14 of its services on the company's public website;

15 (b) The commission maintains access to such terms and conditions on the  
 16 telephone corporation's service; and

17 (c) Nothing in this section overrides the commission's existing au-  
 18 thority pursuant to section 62-616, Idaho Code, to resolve customer  
 19 complaints.

20 (3) The commission shall cease regulating basic local exchange rates in  
 21 a local exchange calling area upon a showing by an incumbent telephone cor-  
 22 poration that effective competition exists for basic local exchange service  
 23 throughout the local exchange calling area. Effective competition exists  
 24 throughout a local exchange calling area when either:

25 (a) Actual competition from a facilities-based competitor is present  
 26 for both residential and small business basic local exchange customers;  
 27 or

28 (b) There are functionally equivalent, competitively priced local  
 29 services reasonably available to both residential and small business  
 30 customers from a telephone corporation unaffiliated with the incumbent  
 31 telephone corporation.

32 (4) Telephone corporations shall not resell:

33 (a) A telecommunications service that is available at retail only to a  
 34 category of subscribers to a different category of subscribers;

35 (b) A means-tested service to ineligible customers; or

36 (c) A category of service to circumvent switched or special access  
 37 charges.

38 (5) The commission shall determine the noneconomic regulatory require-  
 39 ments for all telephone corporations providing basic local exchange service  
 40 or designated as an eligible telecommunications carrier pursuant to sec-  
 41 tions 62-610A through 62-610F, Idaho Code, including, but not limited to,  
 42 such matters as service quality standards, provision of access to carriers  
 43 providing message telecommunications service, filing of price lists, cus-  
 44 tomers notice and customer relation rules.