

FIRST REGULAR SESSION

SENATE BILL NO. 611

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

1887S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 392.611, RSMo, and to enact in lieu thereof one new section relating to the regulation of internet protocol-enabled services.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 392.611, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 392.611,
3 to read as follows:

392.611. 1. A telecommunications company certified
2 under this chapter or holding a state charter authorizing it
3 to engage in the telephone business shall not be subject to
4 any statute in chapter 386 or this chapter (nor any rule
5 promulgated or order issued under such chapters) that
6 imposes duties, obligations, conditions, or regulations on
7 retail telecommunications services provided to end-user
8 customers, except to the extent it elects to remain subject
9 to certain statutes, rules, or orders by notification to the
10 commission. Telecommunications companies shall remain
11 subject to general, nontelecommunications-specific statutory
12 provisions other than those in chapter 386 and this chapter
13 to the extent applicable. Telecommunications companies
14 shall:

15 (1) Collect from their end users the universal service
16 fund surcharge in the same competitively neutral manner as
17 other telecommunications companies and interconnected voice
18 over internet protocol service providers, remit such

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 collected surcharge to the universal service fund
20 administrator, and receive, as appropriate, funds disbursed
21 from the universal service fund, which may be used to
22 support the provision of local voice service;

23 (2) Report to the commission such intrastate
24 telecommunications service revenues as are necessary to
25 calculate the commission assessment, universal service fund
26 surcharge, and telecommunications programs under section
27 209.255; and

28 (3) Continue to comply with the provisions of section
29 392.415 pertaining to the provision of location information
30 in emergency situations.

31 2. Broadband and other internet protocol-enabled
32 services shall [not] be subject to regulation under chapter
33 386 [or] **and** this chapter, [except that] **and** interconnected
34 voice over internet protocol service shall [continue to] be
35 subject to section 392.550. Nothing in this subsection
36 extends, modifies, or restricts the provisions of subsection
37 3 of this section. As used in this subsection **and**
38 **subsection 6 of this section**, "other internet protocol-
39 enabled services" means any services, capabilities,
40 functionalities, or applications using existing internet
41 protocol, or any successor internet protocol, that enable an
42 end user to send or receive a communication in existing
43 internet protocol format, or any successor internet protocol
44 format, regardless of whether the communication is voice,
45 data, or video.

46 3. Notwithstanding any other provision of this
47 section, a telecommunications company shall not be exempt
48 from any commission rule established under authority
49 delegated to the state commission under federal statute,
50 rule, or order, including, but not limited to, universal

51 service funds, number pooling, and conservation efforts.
52 Notwithstanding any other provision of this section, nothing
53 in this section extends, modifies, or restricts any
54 authority delegated to the state commission under federal
55 statute, rule, or order to require, facilitate, or enforce
56 any interconnection obligation or other intercarrier issue
57 including, but not limited to, intercarrier compensation,
58 network configuration or other such matters.

59 Notwithstanding any other provision of this section, nothing
60 in this section extends, modifies, or restricts any
61 authority the commission may have arising under state law
62 relating to interconnection obligations or other
63 intercarrier [issue] **issues** including, but not limited to,
64 intercarrier compensation, network configuration, or other
65 such matters.

66 4. After August 28, 2014, telecommunications companies
67 seeking to provide telecommunications service may, in lieu
68 of the process and requirements for certification set out in
69 other sections, elect to obtain certification by following
70 the same registration process set out in subsection 3 of
71 section 392.550, substituting telecommunications service for
72 interconnected voice over internet protocol service in the
73 requirements specified in subdivisions (1) to (8) of
74 subsection 3 of section 392.550.

75 5. **The commission shall submit a report to the general**
76 **assembly by December thirty-first of each year on the**
77 **progress of broadband development in the state. The report**
78 **shall include information listed in subdivisions (1) to (6)**
79 **outlined in subsection 6 of this section.**

80 6. **The commission shall promulgate rules and**
81 **regulations for the regulation of broadband and other**
82 **internet protocol-enabled services. The rules and**

83 regulations shall include, but are not limited to, the
84 following:

- 85 (1) Standards for resiliency and reliability of
86 broadband infrastructure;
- 87 (2) A reporting mechanism for broadband providers'
88 emergency preparedness and plans for post-emergency network
89 restoration;
- 90 (3) Standards for minimum power back-up requirements;
- 91 (4) A requirement that providers maintain networks
92 sufficiently to ensure that consumers have reliable and safe
93 communications services;
- 94 (5) Submission of pricing, deployment, and adoption
95 data from providers; and
- 96 (6) Reporting requirements of metrics about
97 reliability, price, availability, and adoption of broadband
98 service.

99 Any rule or portion of a rule, as that term is defined in
100 section 536.010, that is created under the authority
101 delegated in this section shall become effective only if it
102 complies with and is subject to all of the provisions of
103 chapter 536 and, if applicable, section 536.028. This
104 section and chapter 536 are nonseverable and if any of the
105 powers vested with the general assembly pursuant to chapter
106 536 to review, to delay the effective date, or to disapprove
107 and annul a rule are subsequently held unconstitutional,
108 then the grant of rulemaking authority and any rule proposed
109 or adopted after August 28, 2021, shall be invalid and void.

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