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Section A. Section 392.611, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 392.611, to read as follows:

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

(1) Collect from their end users the universal service fund surcharge in the same competitively neutral manner as other telecommunications companies and interconnected voice over internet protocol service providers, remit such
collected surcharge to the universal service fund administrator, and receive, as appropriate, funds disbursed from the universal service fund, which may be used to support the provision of local voice service;

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

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

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

3. Notwithstanding any other provision of this section, a telecommunications company shall not be exempt from any commission rule established under authority delegated to the state commission under federal statute, rule, or order, including, but not limited to, universal
service funds, number pooling, and conservation efforts. Notwithstanding any other provision of this section, nothing in this section extends, modifies, or restricts any authority delegated to the state commission under federal statute, rule, or order to require, facilitate, or enforce any interconnection obligation or other intercarrier issue including, but not limited to, intercarrier compensation, network configuration or other such matters. Notwithstanding any other provision of this section, nothing in this section extends, modifies, or restricts any authority the commission may have arising under state law relating to interconnection obligations or other intercarrier [issue] issues including, but not limited to, intercarrier compensation, network configuration, or other such matters.

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

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

6. The commission shall promulgate rules and regulations for the regulation of broadband and other internet protocol-enabled services. The rules and
regulations shall include, but are not limited to, the following:

(1) Standards for resiliency and reliability of broadband infrastructure;

(2) A reporting mechanism for broadband providers' emergency preparedness and plans for post-emergency network restoration;

(3) Standards for minimum power back-up requirements;

(4) A requirement that providers maintain networks sufficiently to ensure that consumers have reliable and safe communications services;

(5) Submission of pricing, deployment, and adoption data from providers; and

(6) Reporting requirements of metrics about reliability, price, availability, and adoption of broadband service.

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