

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure Regulatory Parity among Telecommunications Providers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §7101, sub-§6 is enacted to read:

6. Regulatory parity among telecommunications providers. The Legislature further declares and finds that in the current competitive telecommunications environment, the public interest is best served by a State telecommunications regulatory structure that places equal regulatory obligations and burdens on all telecommunications providers, regardless of the mode of the communications. Therefore, it is the ultimate goal of the State to revise and reform its regulatory structure to provide equal regulatory requirements for all telecommunications providers by January 1, 2013.

Sec. 2. 35-A MRSA §7110 is enacted to read:

§ 7110. Regulatory parity among telecommunications providers

1. Parity among telephone utilities. Beginning January 1, 2012, the commission shall take all actions within its authority to provide that telephone utilities under its jurisdiction are not subject to any regulatory requirements of the commission that are greater or more burdensome than the regulatory requirements that were applicable to competitive telephone utilities as of January 1, 2011, unless the telephone utility consents to the requirement. The commission shall amend, waive or adopt rules, issue orders and modify its administrative procedures and practices as necessary to achieve this result.

2. Exclusions. This section does not require the commission to take any action that:

A. Changes the provisions regarding an obligation to serve as carrier of last resort, eligible telecommunications carrier or the wholesale obligations of any incumbent local exchange carrier; or

B. Prior to January 1, 2013, changes the obligations of a telephone utility imposed by a commission order that was in effect on January 1, 2011.

For the purposes of this subsection, "eligible telecommunications carrier" and "incumbent local exchange carrier" have the meanings provided by the commission by rule.

Sec. 3. Commission plan. By December 31, 2011, the Public Utilities Commission shall submit a plan to the Legislature describing the actions necessary to be implemented by the Legislature and the commission to ensure that, by January 1, 2013, all telecommunications providers, whether currently regulated or not, are regulated equally. The plan must include drafts of statutory changes necessary to achieve this result. The commission shall give due consideration to the preservation of provisions regarding an obligation to serve as carrier of last resort, eligible telecommunications carrier or the

wholesale obligations of incumbent local exchange carriers. The commission shall include in the plan provisions that allow a telecommunications provider to be subject to regulatory requirements that do not apply to other telecommunications providers if it chooses.

SUMMARY

This bill sets a state goal of creating a nondiscriminatory regulatory structure for all telecommunications providers, for the purpose of fostering continued competition and ensuring a free market for telecommunications services. In recognition that the Public Utilities Commission has already established a less burdensome regulatory structure for competitive telephone utilities regulated by the commission, as a first step this legislation requires that regulatory structure to be extended to all telephone utilities regulated by the commission by January 1, 2012. The 2nd step directs the commission to submit a plan to the Legislature describing the actions necessary to ensure that, by January 1, 2013, all telecommunications providers are regulated equally.