

HOUSE BILL 574

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 65,
Chapter 5, relative to switched access services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 5, is amended by adding the following language as a new, appropriately designated part:

65-5-301. Short Title

This part shall be known and may be cited as the "Uniform Access, Competition, and Consumer Fairness Act of 2011."

65-5-302. Required Parity for Interstate and Intrastate Access Rates and Rate Structures

(a) For the purposes of this part:

(1) "Entity" means an entity that provides switched access service and is a public utility as defined in § 65-4-101 or a telephone cooperative governed by chapter 29 of this title;

(2) "Interstate switched access charges" means charges for switched access services for interstate toll telecommunications services;

(3) "Intrastate switched access charges" means charges for switched access services for intrastate toll telecommunications services; and

(4) "Switched access services" means the utilization of switching and related facilities for the origination or termination of toll telecommunications services of other service providers.

(b) Notwithstanding any law to the contrary and consistent with this part, any entity that provides switched access service shall be prohibited from imposing intrastate

switched access charges that exceed the interstate switched access charges imposed by the entity, and shall utilize the same rate structure for the provision of intrastate switched access service that the entity uses for the provision of interstate switched access service; provided, however:

(1) Until such time as rules governing the funding of the Tennessee relay service have been promulgated and have taken effect pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and § 65-21-115, an entity may include in its intrastate switched access charges as a separate intrastate switched access rate element an additur established by the Tennessee regulatory authority for the purpose of maintaining the Tennessee relay service consistent with § 65-21-115, such amount not to exceed the additur established as of the effective date of this act;

(2) Any entity that, as of the effective date of this act, is imposing intrastate switched access charges that, on an average per minute basis, are higher than the average per minute interstate switched access charges imposed by the entity, shall no later than sixty (60) days after the effective date of this act:

(A) Establish an intrastate switched access rate structure that is the same as its interstate switched access rate structure; and

(B) Implement revised intrastate switched access charges to effectuate a reduction of at least twenty percent (20%) in the difference between the average per minute intrastate switched access rate in effect for the entity on the effective date of this act and the average per minute interstate switched access rate in effect for the entity on the effective date of this act;

(3) Any entity effectuating a reduction in its intrastate switched access rates pursuant to subdivision (b)(2) shall, on or before the first anniversary of the effective date of this act, implement revised intrastate switched access charges to effectuate a reduction of at least forty percent (40%) in the difference between the average per minute intrastate switched access rate in effect for the entity on the effective date of this act and the average per minute interstate switched access rate in effect for entity on the effective date of this act;

(4) Any entity effectuating a reduction in its intrastate switched access rates pursuant to subdivision (b)(2) shall, on or before the second anniversary of the effective date of this act, implement revised intrastate switched access charges to effectuate a reduction of at least sixty percent (60%) in the difference between the average per minute intrastate switched access rate in effect for the entity on the effective date of this act and the average per minute interstate switched access rate in effect for the entity on the effective date of this act;

(5) Any entity effectuating a reduction in its intrastate switched access rates pursuant to subdivision (b)(2) shall, on or before the third anniversary of the effective date of this act, implement revised intrastate switched access charges to effectuate a reduction of at least eighty percent (80%) in the difference between the average per minute intrastate switched access rate in effect for the entity on the effective date of this act and the average per minute interstate switched access rate in effect for the entity on the effective date of this act; and

(6) Any entity effectuating a reduction in its intrastate switched access rates pursuant to subdivision (b)(2) shall, on or before the fourth anniversary of the effective date of this act, implement revised intrastate switched access

charges that do not exceed the interstate switched access charges imposed by the entity.

(c) An entity that implements an increase in an intrastate switched access rate element between February 1, 2011 and sixty (60) days after the effective date of this act, and that is transitioning its intrastate access rates as provided in subdivisions (b)(2)-(6), shall reduce such intrastate switched access rate element to the rate in effect on January 31, 2011 no later than sixty (60) days after the effective date of this act and shall effectuate the reductions required by subdivisions (b)(2)-(6) using the average per minute intrastate switched access rate in effect for the entity on January 31, 2011, instead of the average per minute intrastate switched access rate in effect for the entity on the effective date of this act.

(d) A competing telecommunications service provider, as defined in § 65-4-101, may provide by tariff that its intrastate switched access charges are the same as those of the incumbent local exchange telephone company, as defined in § 65-4-101, for whose service area the competing telecommunications service provider is offering intrastate switched access service, and be deemed thereby to comply with subsections (b) and (f), and the requirement in subsection (g) to set forth intrastate switched access rates and a rate structure in a tariff or price list.

(e) Notwithstanding any law of this state or requirements of the Tennessee regulatory authority to the contrary, an entity that transitions its intrastate access rates as provided in subdivisions (b)(2)-(6), shall be entitled, but not required, to adjust its retail rates each year to recover any revenue losses resulting from its revision of intrastate switched access rates and rate structure. The Tennessee regulatory authority may not review or regulate such retail rate adjustments.

(f) To the extent the interstate switched access rates or rate structure of an entity change consistent with applicable federal law, then the entity shall have thirty (30) days to implement the same changes for its provision of intrastate switched access services. Notwithstanding the implementation of any change authorized by this subsection (f), to the extent that an entity is implementing revisions to its intrastate switched access rates in accordance with subdivisions (b)(2)-(6), the entity shall continue to revise its rates in accordance with subdivisions (b)(2)-(6) and, on or before the fourth anniversary after the effective date of this act and thereafter, such entity shall have the same rates and rate structures for the provision of both intrastate and interstate switched access services.

(g) No later than sixty (60) days following the effective date of this act, any entity that is providing switched access service shall file and thereafter maintain a tariff or price list with the Tennessee regulatory authority setting forth its intrastate switched access rates and rate structure.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.