Model Legislation

Parity and Certainty in Regulatory Treatment of High Speed Internet Access Services and Broadband Services and Providers Act

Summary
This Act provides for regulatory parity and certainty at the state level in the critical areas of high-speed Internet access services and broadband services. The Act prohibits state commissions from imposing regulations in these areas, regardless of the technology or medium used to provide such services. The Act further provides, however, that the incumbent local exchange provider must continue to comply with the unbundling and other requirements of the Federal Communications Commission.

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Section 1. {Legislative Findings}
The legislature hereby finds and declares:
(A) The cable modem service offered by cable operators and other technologies such as satellite that are used for high-speed access to the Internet are functionally equivalent to, and compete with, digital subscriber line service and other broadband services offered by local exchange carriers.
(B) Cable modem services and digital subscriber line services are subject to disparate regulatory treatment by the Federal Government and by State and local governments.
(C) Competing and functionally equivalent products and services should be treated in the same manner, regardless of who provides such products or services.
(D) A deregulatory environment should apply to providers of high-speed Internet access services and broadband services, regardless of the platform used to provide such services.
(E) Government regulation should not favor or advantage one class of competitors among competitors offering similar products or services.
(F) The deployment of digital subscriber line service, in particular, has been restrained by regulatory requirements that are inappropriate for a competitive service offered by various providers.
(G) Inappropriate regulation imposes needless costs and results in higher consumer costs.
(H) Lower consumer costs will accelerate demand for high-speed Internet access services.
(I) Deregulation across broadband platforms will provide incentives to increase deployment of high speed Internet services and broadband services, bringing the benefits of such services to communities in the form of enhancements in medicine, education, national security, work from home, and other benefits.
(J) When all providers of high speed Internet access services and broadband services compete in a free market environment, consumers will benefit from increased choices and lower prices.

Section 2. {Definitions}
"High speed Internet access service" or "broadband service" means, as used in this Act, those services and underlying facilities that provide upstream, from customer to provider, or downstream, from provider to customer, transmission of high speed Internet services and broadband services, bringing the benefits of such services to communities in the form of enhancements in medicine, education, national security, work from home, and other benefits.

Section 3. {Main Provisions}
A. Neither the Commission, nor any unit of local government shall, by entering any order, adopting any rule, or otherwise taking any agency action, impose any regulation upon a provider of high speed Internet access service or broadband service in its provision of such service, regardless of technology or medium used to provide such service.
B. An incumbent local exchange telecommunications service provider (ILEC) subject to the provisions of 47 U.S.C., Section 251(c) shall be required to provide unbundled access to network elements, including but not limited to loops, subloops, and collocation space within the facilities of the ILEC, to the extent specifically required under Federal Communications Commission regulations or any successor regulations issued by the Federal Communications Commission.

C. Nothing in this section shall effect the assessment of any company under Article (property tax provisions).