

# Competitive Emerging Communications Technologies

This Act expressly removes the power of the state Public Service Commission to set the rates and the terms and conditions for the offering of emerging communications technologies of broadband service, voice over Internet protocol, and wireless service within the state.

Submitted as:

Georgia

SB 120

Status: Enacted into law in 2006.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act shall be cited as the “Competitive Emerging  
2 Communications Technologies Act.”

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4           Section 2. [*Legislative Findings.*] The [legislature] finds:

5           (1) it is in the public interest to encourage deployment of the emerging communications  
6 technologies of broadband service, voice over Internet protocol, and wireless service by expressly  
7 removing any power the state [Public Service Commission] may have to set the rates and the  
8 terms and conditions for the offering of such services within this state;

9           (2) that market based competition is the best mechanism for the selection and setting of  
10 such rates, terms, and conditions for such emerging communications technologies and to  
11 encourage the adoption and use of such services by consumers; and

12           (3) that consumers need timely and accurate information as to the actual cost and levels of  
13 delivered service in order to make informed market based choices among competing offerings of  
14 such emerging communications technologies.

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16           Section 3. [*Definitions.*] As used in this Act:

17           (1) ‘Broadband service’ means a service that consists of the capability to transmit at a rate  
18 not less than [200 kilobits] per second in either the upstream or downstream direction and in  
19 combination with such service provide either:

20                   (A) access to the Internet; or

21                   (B) computer processing, information storage, or protocol conversion.

22 For the purposes of this Act, broadband service does not include any information content or  
23 service applications provided over such access service nor any intrastate service that was subject  
24 to a tariff in effect as of [insert date].

25           (2) ‘VoIP’ means voice over Internet protocol services offering real time multidirectional  
26 voice functionality utilizing any Internet protocol.

27           (3) ‘Wireless service’ means commercial mobile radio service carried on between mobile  
28 stations or receivers and land stations and by mobile stations communicating among themselves.

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30           Section 4. [*Restricting Public Service Commission Powers over Broadband Service, VoIP,  
31 or Wireless Service.*]

32           (a) The state [Public Service Commission] shall not have any jurisdiction, right, power,  
33 authority, or duty to impose any requirement or regulation relating to the setting of rates or terms  
34 and conditions for the offering of broadband service, VoIP, or wireless service.

35 (b) This section shall not be construed to affect:  
36 (1) state laws of general applicability to all businesses, including, without  
37 limitation, consumer protection laws and laws relating to restraint of trade;  
38 (2) any authority of the [Public Service Commission] with regard to consumer  
39 complaints; or  
40 (3) any authority of the [Public Service Commission] to act in accordance with  
41 federal laws or regulations of the Federal Communications Commission, including, without  
42 limitation, jurisdiction granted to set rates, terms, and conditions for access to unbundled network  
43 elements and to arbitrate and enforce interconnection agreements.  
44 (c) Except as otherwise expressly provided in this section, nothing in this section shall be  
45 construed to restrict or expand any other authority or jurisdiction of the [state Public Service  
46 Commission].

47  
48 Section 5. [*Severability.*] [Insert severability clause.]

49  
50 Section 6. [*Repealer.*] [Insert repealer clause.]

51  
52 Section 7. [*Effective Date.*] [Insert effective date.]