

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1258*

Short Title: Telephone Line Access.

(Public)

Sponsors: Representatives Dickson; and Weatherly.

Referred to: Commerce.

May 13, 1998

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO ALLOW SHARED TENANT PROVIDERS TO OBTAIN LINE ACCESS FROM ANY CERTIFICATED LOCAL PROVIDER OF TELEPHONE SERVICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 62-110(d) reads as rewritten:

"(d) The Commission shall be authorized, consistent with the public interest and notwithstanding any other provision of law, to adopt procedures for the purpose of allowing shared use and/or resale of any telephone service provided to persons who occupy the same contiguous premises (as such term shall be defined by the Commission); provided, however, that there shall be no 'networking' of any services authorized under this subsection whereby two or more premises where such services are provided are connected, and provided further that ~~the certificated local exchange telephone company shall be the only provider of any certificated local provider or any other provider authorized by the Commission may provide access lines or trunks connecting such authorized service to the telephone network, and that the local service rates approved by the Commission for local exchange lines or trunks being shared or resold shall be fully compensatory and on a measured usage basis where facilities are available or on a message rate basis otherwise. Provided however, the Commission may permit or approve rates on bases other than measured or message~~

1 ~~for shared service network.~~ The Commission may permit or approve flat rates, measured
2 ~~rates, message rates, or some combination of those rates for shared services~~ whenever the
3 service is offered to patrons of hospitals, nursing homes, rest homes, licensed retirement
4 centers, members of clubs or students living in quarters furnished by educational
5 institutions, or persons temporarily subleasing a residential premise. The Commission
6 shall issue rules to implement the service authorized by this subsection, considering the
7 competitive nature of the offerings and, notwithstanding any other provision of law, the
8 Commission shall determine the extent to which such services shall be regulated and, to
9 the extent necessary to protect the public interest, regulate the terms, conditions, and rates
10 charged for such services and the terms and conditions for interconnection to the local
11 exchange network. The Commission shall require any person offering telephone service
12 under this subsection by means of a Private Branch Exchange ('PBX') or key system to
13 secure adequate local exchange trunks from ~~the local exchange telephone company~~ any
14 certificated local provider or any other provider authorized by the Commission so as to
15 assure a quality of service equal to the quality of service generally found acceptable by
16 the Commission. Unless otherwise ordered by the Commission for good cause shown by
17 the company, the right and obligation of the ~~local exchange carrier~~ certificated local
18 provider or any other provider authorized by the Commission to provide local service
19 directly to any person located within its certificated service area shall continue to apply to
20 premises where shared or resold telephone service is available, provided however, the
21 Commission shall be authorized to establish the terms and conditions under which such
22 services should be provided."

23 Section 2. G.S. 62-110(e) reads as rewritten:

24 "(e) Notwithstanding subsection (d) of this section, the Commission may authorize
25 any telephone services provided to a nonprofit college or university, and its affiliated
26 medical centers, which is qualified under Sections 501 and 170 of the United States
27 Internal Revenue Code of 1986 or which is a State-owned institution, to be shared or
28 resold by that institution on both contiguous campus premises owned or leased by the
29 institution and noncontiguous premises owned or leased exclusively by the institution,
30 provided these services are offered to students or guests housed in quarters furnished by
31 the institution, patrons of hospitals or medical centers of the institution, or persons or
32 businesses providing educational, research, professional, consulting, food, or other
33 support services directly to or for the institution, its students, or guests. The services of
34 ~~the certified local exchange telephone company,~~ a certificated local provider or any other
35 provider authorized by the Commission, when provided to said colleges, universities, and
36 affiliated medical centers shall be rated in the same way as those provided for shared
37 service offered to patrons of hospitals, nursing homes, rest homes, licensed retirement
38 centers, members of clubs or students living in quarters furnished by educational
39 institutions as provided for in subsection (d) of this section. The institutions regulated
40 pursuant to this subsection shall not be prohibited from electing optional services from
41 ~~the certified local exchange telephone company~~ certificated local provider or any other
42 provider authorized by the Commission which include measured or message rate
43 services. There shall be no 'networking' of any services authorized under this subsection

1 whereby two or more different institutions where such services are provided are
2 interconnected. ~~The certified local exchange telephone company shall be the only provider of~~
3 Any certificated local provider or any other provider authorized by the Commission may
4 provide access lines or trunks connecting such authorized services to the telephone
5 network. The Commission shall require such institutions to secure adequate local
6 exchange trunks from the ~~certified local exchange telephone company~~ certificated local
7 provider or any other provider authorized by the Commission to assure a quality of
8 service equal to the quality of service generally found acceptable by the Commission.
9 Unless otherwise ordered by the Commission for good cause shown by the ~~certified local~~
10 ~~exchange telephone company~~, certificated local provider or any other provider authorized
11 by the Commission, the right and obligation of ~~the local exchange company~~ that provider to
12 provide local service directly to any person located within its certificated service area
13 shall continue to apply to premises where shared or resold telephone service is available
14 under this subsection, provided however, the Commission shall be authorized to establish
15 the terms and conditions under which such service should be provided. The Commission
16 shall issued rules to implement the services authorized by this subsection."

17 Section 3. This act is effective when it becomes law.