

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-180
SENATE BILL 1135

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 AND TO ALLOW FLAT RATE ACCESS LINES TO PREMISES PROVIDING ACCOMMODATIONS TO TRANSIENT PATRONS.

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 permitted or 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 for shared service flat rates, measured rates, message rates, or some combination of those rates for shared or resold services whenever the service is offered to patrons of hotels or motels, occupants of timeshare or condominium complexes serving primarily transient occupants, to patrons of hospitals, nursing homes, rest homes, or licensed retirement centers, or to members of clubs or students living in quarters furnished by educational institutions, or to persons temporarily subleasing a residential premise. ~~premises.~~ The Commission shall issue rules to implement the service authorized by this subsection, considering the competitive nature of the offerings and, notwithstanding any other provision of law, the Commission shall determine the extent to which such services shall be regulated and, to the extent necessary to protect the public interest, regulate the terms, conditions, and rates charged for such services and the terms and conditions for interconnection to the local exchange network. The Commission shall require any

person offering telephone service under this subsection by means of a Private Branch Exchange ('PBX') or key system to secure adequate local exchange trunks from ~~the local exchange telephone company~~ any certificated local provider or any other provider authorized by the Commission so as to assure a quality of service equal to the quality of service generally found acceptable by the Commission. Unless otherwise ordered by the Commission for good cause shown by the company, the right and obligation of ~~the local exchange carrier~~ certificated local provider or any other provider authorized by the Commission to provide local service directly to any person located within its certificated service area shall continue to apply to premises where shared or resold telephone service is available, provided however, the Commission shall be authorized to establish the terms and conditions under which such services should be provided."

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

"(e) Notwithstanding subsection (d) of this section, the Commission may authorize any telephone services provided to a nonprofit college or university, and its affiliated medical centers, which is qualified under Sections 501 and 170 of the United States Internal Revenue Code of 1986 or which is a State-owned institution, to be shared or resold by that institution on both contiguous campus premises owned or leased by the institution and noncontiguous premises owned or leased exclusively by the institution, provided these services are offered to students or guests housed in quarters furnished by the institution, patrons of hospitals or medical centers of the institution, or persons or businesses providing educational, research, professional, consulting, food, or other support services directly to or for the institution, its students, or guests. The services of ~~the certified local exchange telephone company~~, a certificated local provider or any other provider authorized by the Commission, when provided to said colleges, universities, and affiliated medical centers shall be rated in the same way as those provided for shared service offered to patrons of hospitals, nursing homes, rest homes, licensed retirement centers, members of clubs or students living in quarters furnished by educational institutions as provided for in subsection (d) of this section. The institutions regulated pursuant to this subsection shall not be prohibited from electing optional services from ~~the certificated local exchange telephone company~~ certificated local provider or any other provider authorized by the Commission which include measured or message rate services. There shall be no 'networking' of any services authorized under this subsection whereby two or more different institutions where such services are provided are interconnected. ~~The certified 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 services to the telephone network. The Commission shall require such institutions to secure adequate local exchange trunks from ~~the certified local exchange telephone company~~ certificated local provider or any other provider authorized by the Commission to assure a quality of service equal to the quality of service generally found acceptable by the Commission. Unless otherwise ordered by the Commission for good cause shown by ~~the certified local exchange telephone company~~, certificated local provider or any other provider authorized by the Commission, the right and obligation of ~~the local exchange company~~ that provider to provide local service directly to any person located within its

certificated service area shall continue to apply to premises where shared or resold telephone service is available under this subsection, provided however, the Commission shall be authorized to establish the terms and conditions under which such service should be provided. The Commission shall ~~issued~~issue rules to implement the services authorized by this subsection."

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

In the General Assembly read three times and ratified this the 29th day of September, 1998.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 3:16 p.m. this 8th day of October, 1998