
SENATE BILL 5157

State of Washington

64th Legislature

2015 Regular Session

By Senator McCoy

Read first time 01/15/15. Referred to Committee on Energy,
Environment & Telecommunications.

1 AN ACT Relating to the state universal communications services
2 program; and amending RCW 80.36.630 and 80.36.650.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 80.36.630 and 2013 2nd sp.s. c 8 s 202 are each
5 amended to read as follows:

6 (1) The definitions in this section apply throughout this section
7 and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context
8 clearly requires otherwise.

9 (a) "Basic residential service" means those services set out in
10 47 C.F.R. Sec. 54.101(a)(2011) and mandatory extended area service
11 approved by the commission.

12 (b) "Basic telecommunications services" means the following
13 services:

14 (i) Single-party service;

15 (ii) Voice grade access to the public switched network;

16 (iii) Support for local usage;

17 (iv) Dual tone multifrequency signaling (touch-tone);

18 (v) Access to emergency services (911);

19 (vi) Access to operator services;

20 (vii) Access to interexchange services;

21 (viii) Access to directory assistance; and

1 (ix) Toll limitation services.

2 (c) "Communications provider" means a provider of communications
3 services that assigns a working telephone number to a final consumer
4 for intrastate wireline or wireless communications services or
5 interconnected voice over internet protocol service, and includes
6 local exchange carriers.

7 (d) "Communications services" includes telecommunications
8 services and information services and any combination thereof.

9 (e) "Incumbent local exchange carrier" has the same meaning as
10 set forth in 47 U.S.C. Sec. 251(h).

11 (f) "Incumbent public network" means the network established by
12 incumbent local exchange carriers for the delivery of communications
13 services to customers that is used by communications providers for
14 origination or termination of communications services by or to
15 customers.

16 (g) "Interconnected voice over internet protocol service" means
17 an interconnected voice over internet protocol service that: ~~((a)~~
18 ~~{(i)}~~) (i) Enables real-time, two-way voice communications; ~~((b)~~
19 ~~{(ii)}~~) (ii) requires a broadband connection from the user's
20 location; ~~((c)~~ ~~{(iii)}~~) (iii) requires internet protocol-compatible
21 customer premises equipment; and ~~((d)~~ ~~{(iv)}~~) (iv) permits users
22 generally to receive calls that originate on the public network and
23 to terminate calls to the public network.

24 (h) "Program" means the state universal communications services
25 program created in RCW 80.36.650.

26 (i) "Telecommunications" has the same meaning as defined in 47
27 U.S.C. Sec. 153(43).

28 (j) "Telecommunications act of 1996" means the telecommunications
29 act of 1996 (P.L. 104-104, 110 Stat. 56).

30 (k) "Working telephone number" means a north American numbering
31 plan telephone number, or successor dialing protocol, that is
32 developed for use in placing calls to or from the public network,
33 that enables a consumer to make or receive calls.

34 (l) "Advanced telecommunications services" means a high-speed,
35 switched, broadband telecommunications capability with minimum speeds
36 of 10 Mbps downstream and 1 Mbps upstream that enables users to
37 originate and receive high-quality voice, data, graphics, and video
38 telecommunications using any technology.

39 (m) "Telecommunications services" means "basic telecommunications
40 services" and "advanced telecommunications services."

1 (2) This section expires July 1, 2020.

2 **Sec. 2.** RCW 80.36.650 and 2013 2nd sp.s. c 8 s 203 are each
3 amended to read as follows:

4 (1) A state universal communications services program is
5 established. The program is established to protect public safety and
6 welfare under the authority of the state to regulate
7 telecommunications under Article XII, section 19 of the state
8 Constitution. The purpose of the program is to support continued
9 provision of (~~basic~~) telecommunications services under rates,
10 terms, and conditions established by the commission during the time
11 over which incumbent communications providers in the state are
12 adapting to changes in federal universal service fund and
13 intercarrier compensation support.

14 (2) Under the program, eligible communications providers may
15 receive distributions from the universal communications services
16 account created in RCW 80.36.690 in exchange for the affirmative
17 agreement to provide continued services under the rates, terms, and
18 conditions established by the commission under this chapter for the
19 period covered by the distribution. The commission must implement and
20 administer the program under terms and conditions established in RCW
21 80.36.630 through 80.36.690. Expenditures for the program may not
22 exceed five million dollars per fiscal year.

23 (3) A communications provider is eligible to receive
24 distributions from the account if:

25 (a) The communications provider is: (i) An incumbent local
26 exchange carrier serving fewer than forty thousand access lines in
27 the state; or (ii) a radio communications service company providing
28 wireless two-way voice communications service to less than the
29 equivalent of forty thousand access lines in the state. For purposes
30 of determining the access line threshold in this subsection, the
31 access lines or equivalents of all affiliates must be counted as a
32 single threshold, if the lines or equivalents are located in
33 Washington;

34 (b) The customers of the communications provider are at risk of
35 rate instability or service interruptions or cessations absent a
36 distribution to the provider that will allow the provider to maintain
37 rates reasonably close to the benchmark; and

38 (c) The communications provider meets any other requirements
39 established by the commission pertaining to the provision of

1 communications services, including (~~basic~~) telecommunications
2 services.

3 (4) A communications provider is eligible to receive
4 distributions from the account for the purpose of providing advanced
5 telecommunications services to a reservation of a federally
6 recognized Indian tribe.

7 (5)(a) Distributions to eligible communications providers are
8 based on a benchmark established by the commission. The benchmark is
9 the rate the commission determines to be a reasonable amount
10 customers should pay for basic residential service or advanced
11 telecommunications services provided over the incumbent public
12 network. However, if an incumbent local exchange carrier is charging
13 rates above the benchmark for the basic residential service or
14 advanced telecommunications services, that provider may not seek
15 distributions from the fund for the purpose of reducing those rates
16 to the benchmark.

17 (b) To receive a distribution under the program, an eligible
18 communications provider must affirmatively consent to continue
19 providing communications services to its customers under rates,
20 terms, and conditions established by the commission pursuant to this
21 chapter for the period covered by the distribution.

22 (~~(5)~~) (6) The program is funded from amounts deposited by the
23 legislature in the universal communications services account
24 established in RCW 80.36.690. The commission must operate the program
25 within amounts appropriated for this purpose and deposited in the
26 account.

27 (~~(6)~~) (7) The commission must periodically review the accounts
28 and records of any communications provider that receives
29 distributions under the program to ensure compliance with the program
30 and monitor the providers' use of the funds.

31 (~~(7)~~) (8) The commission must establish an advisory board,
32 consisting of a reasonable balance of representatives from different
33 types of communications providers, tribal representatives, and
34 consumers, to advise the commission on any rules and policies
35 governing the operation of the program.

36 (~~(8)~~) (9) The program terminates on June 30, 2019, and no
37 distributions may be made after that date.

38 (~~(9)~~) (10) This section expires July 1, 2020.

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