

House Concurrent Resolution No. 5012

By Committee on Utilities

2-11

A CONCURRENT RESOLUTION creating the Broadband High-Speed Internet Access Task Force.

WHEREAS, The telecommunications industry has undergone tremendous change in recent years; and

WHEREAS, New levels of competition exist or may soon exist in the industry which will fundamentally alter the economic conditions in which telecommunications public utilities operate; and

WHEREAS, Greater competition in telecommunications services, including broadband high speed internet access service (BBHSIA), demands consideration of relaxed regulation of such services; and

WHEREAS, There should be representation from end users, state agencies, the Legislature and BBHSIA service providers in formulating any future regulatory policy governing BBHSIA given the wide array of affected parties; and

WHEREAS, Movement toward relaxed regulation of BBHSIA services is desirable if it is accomplished in a systematic and logical manner based on accurate information, public analysis and debate: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That there is hereby created the Broadband High-Speed Internet Access (BBHSIA) Task Force to study the unique aspects of deploying internet access to all areas of the state.

The Task Force shall be composed as follows:

(a) A representative of the State Corporation Commission, designated by the Commission;

(b) a representative of the Citizens Utility Ratepayer Board, designated by the Board;

(c) a representative of Kan-Ed, designated by the State Board of Regents;

(d) a representative of the Attorney General's office, designated by the Attorney General;

(e) a representative of the Department of Administration, designated by the Secretary of Administration; and

(f) the following members appointed by the Legislative Coordinating

1 Council:

2 (1) Three members of the House of Representatives, one of whom
3 shall be the chairperson of the House Committee on Utilities and at least
4 one of whom shall be a Democrat;

5 (2) three members of the Senate, one of whom shall be the chair-
6 person of the Senate Committee on Commerce and at least one of whom
7 shall be a Democrat;

8 (3) a representative of the cable television industry;

9 (4) a representative of the rural independent telephone companies;

10 (5) a representative of the competitive local exchange companies;

11 (6) a representative of SBC Communications;

12 (7) a representative of Sprint;

13 (8) a representative of an interexchange carrier;

14 (9) a representative of internet service providers; and

15 (10) a representative of wireless broadband providers.

16 The chairperson of the Task Force shall be appointed by the Legislative
17 Coordinating Council; and

18 *Be it further resolved:* That legislative members shall receive com-
19 pensation, subsistence allowances, mileage and other expenses as author-
20 ized by the Legislative Coordinating Council; that other state officers and
21 employees shall receive compensation, subsistence allowances, mileage
22 and other expenses as authorized by their respective agencies; and that
23 other members shall receive no compensation but may receive subsis-
24 tence allowances, mileage and other expenses as authorized by the Leg-
25 islative Coordinating Council; and

26 *Be it further resolved:* That the Task Force shall assess the availability
27 of BBHSIA service throughout the State and shall inventory the various
28 technologies being deployed. To the extent possible, the Task Force shall
29 ascertain the deployment plans of various providers. The Task Force shall
30 recommend to the 2005 Kansas Legislature what the Legislature might
31 do to enhance demand and supply of BBHSIA services in a competitive
32 neutral manner throughout the State. Members of the Task Force shall
33 be appointed no later than July 1, 2003. The Task Force shall complete
34 its duties and issue a report to the 2005 Session of the Kansas Legislature
35 no later than when the Legislature convenes in 2005. The report to the
36 2005 Legislature should include, but not be limited to, the following:

37 (a) A definition of the term "BBHSIA infrastructure" and a proce-
38 dure for possible future modification of that definition;

39 (b) a statewide inventory of the existing telecommunications and
40 BBHSIA infrastructure and an assessment of the BBHSIA needs of end
41 users;

42 (c) identification of applications for BBHSIA of importance to the
43 state and a method of setting priorities for their development. This anal-

1 ysis should include a plan for promoting such development, including: A
2 means of providing for coordination and cooperation among public insti-
3 tutions, as well as private users, for purposes of efficient and economical
4 acquisition and use of such applications; a means of fostering intercon-
5 nections and interoperability among the networks used for such appli-
6 cations when applicable; and a process for informing prospective end
7 users about the use and availability of new technologies associated with
8 such applications. Outcomes to be considered include: Improving the
9 competitiveness of Kansas businesses; improving the quality, affordability
10 and availability of health care; improving the quality of and accessibility
11 to primary, secondary and postsecondary education; increasing the effi-
12 ciency, effectiveness and responsiveness of state and local government;
13 and affording citizens greater exposure to cultural and recreational ameni-
14 ties; the Task Force should to the extent possible incorporate principles
15 and deployment strategies envisioned in the KAN-ED initiative;

16 (d) a recommendation to the legislature concerning the form of reg-
17 ulation that would be appropriate for telecommunication and BBHSIA
18 services which remain regulated;

19 (e) formulation of recommendations to the Governor, the Legislature
20 and the State Corporation Commission on key concepts and changes to
21 be incorporated into state regulatory policies and policies adopted by the
22 division of information services and communication within the depart-
23 ment of administration for the state information network where neces-
24 sary; and

25 (f) an evaluation of the creation and retention of jobs in the BBHSIA
26 industry in Kansas. The interim report to the 2004 Legislature should
27 relate the progress of the task force on these issues to the extent they
28 may be resolved; and

29 *Be it further resolved:* That subject to appropriations, the Legislative
30 Coordinating Council shall contract with Legislative Post Audit for the
31 development of a report to identify present and anticipated trends in
32 BBHSIA technologies and services and their economic impact on the
33 citizens and businesses of the state, including, but not limited to, low and
34 moderate income households, small businesses and high technology busi-
35 nesses. This report shall address regional differences in economic impact
36 and shall be presented to the 2005 Legislature; and

37 *Be it further resolved:* That the Kansas Legislative Research Depart-
38 ment and the Revisor of Statutes Office shall provide Task Force staff as
39 needed. The Task Force shall request such other advisory staff assistance
40 as the Task Force considers necessary and state agencies shall cooperate
41 with the Task Force in providing such assistance. Furthermore, subject
42 to appropriations, the Legislative Coordinating Council, after consultation
43 with the State Corporation Commission, may contract with a consultant

1 for the duration of the development of the strategy. Such consultant
2 would be authorized to provide technical assistance, frame policy issues
3 and draft necessary Task Force reports. The consultant should work di-
4 rectly with the Task Force and such subcommittees as may be created;
5 and

6 *Be it further resolved:* That the chairperson of the BBHSIA Task
7 Force may appoint such subcommittees as may be necessary to examine
8 in greater detail various issues raised in formulation of the strategic plan.
9 The subcommittees should reflect a representation of public sector mem-
10 bers, legislators and telecommunication service providers. However, at
11 least one legislator must be assigned to each subcommittee; and

12 *Be it further resolved:* That the State Corporation Commission is
13 urged, upon passage of this resolution, to open one or more generic in-
14 vestigations regarding the level of competition for each regulated or flex-
15 ibly regulated BBHSIA service under its jurisdiction. In addition the
16 Commission is urged to:

17 (a) Periodically assess the level of competitiveness of such services
18 and emerging services with the intent of encouraging development of
19 effective competition for BBHSIA services where feasible, including the
20 removal of existing barriers to entry;

21 (b) ensure that regulated services will not subsidize competitive or
22 unregulated services;

23 (c) define universal service, determine the extent to which it has been
24 achieved in every region of the state and establish appropriate policies to
25 insure universal service in high-cost areas of the state;

26 (d) define criteria for provision of “basic telephone service” and the
27 availability and provision of such service in a competitive environment
28 into the future. This should include consideration of the modification of
29 “basic local service”; and

30 (e) develop a procedure for ensuring the quality of BBHSIA services
31 until the development of viable competition in the BBHSIA market.

32 The Task Force shall report its findings to the Senate Committee on
33 Commerce, the House Committee on Utilities, the Joint Committee on
34 Economic Development, the Joint Committee on Information Technol-
35 ogy and the Telecommunications Action Planning Committee of Kansas,
36 Inc., no later than January 2005. This report shall include findings of the
37 Task Force regarding a statewide plan for the development and utilization
38 of BBHSIA; and

39 *Be it further resolved:* That during the first week of the 2005 regular
40 legislative session, the State Corporation Commission shall report to the
41 Senate Committee on Commerce and the House Committee on Utilities
42 regarding the status of any docket opened by the commission as urged
43 by this resolution; and

1 *Be it further resolved:* That copies of this resolution be transmitted
2 to the President of the Senate, the Speaker of the House of Represen-
3 tatives, the Governor and the Chairperson of the State Corporation
4 Commission.
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