

As Amended by House Committee

Session of 2005

HOUSE BILL No. 2463

By Committee on Utilities

2-11

10 AN ACT concerning telecommunications; requiring compensation of
11 certain local exchange carriers for certain use of their facilities.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) As used in this section:

15 (1) Terms have the meanings provided in K.S.A. 66-1,187, and
16 amendments thereto.

17 (2) "Intermediary provider" means a service provider, other than the
18 originating provider or terminating local exchange carrier, which carries
19 a two-way voice grade communication, regardless of technology used.

20 (3) "Originating provider" means a service provider, other than the
21 terminating local exchange carrier, which originates a two-way voice grade
22 communication, regardless of technology used.

23 (4) "Terminating local exchange carrier" means a local exchange car-
24 rier the facilities of which are used to terminate a two-way voice grade
25 communication, regardless of technology used.

26 (b) The terminating local exchange carrier shall receive compensation
27 from the ~~originating or intermediary provider delivering~~ **provider orig-**
28 **inating** a two-way voice grade communication to such carrier. Unless
29 otherwise provided pursuant to an agreement between the originating
30 provider and terminating provider, such compensation shall be at the
31 same rate as determined pursuant to subsection (c) of K.S.A. 66-2005,
32 and amendments thereto, for intrastate switched access. **The provisions**
33 **of this section shall not apply to communications subject to com-**
34 **mission order setting compensation for expanded local calling**
35 **plans offered by wireline providers.**

36 ~~(c) An intermediary provider may recover from the originating pro-~~
37 ~~vider or other provider delivering a two-way voice grade communication~~
38 ~~to the intermediary provider the amount of compensation paid by the~~
39 ~~intermediary provider to the terminating local exchange carrier or another~~
40 ~~provider pursuant to this section.~~

41 ~~(d)~~ (c) Upon application, the state corporation commission shall au-
42 thorize a terminating local exchange carrier ~~and~~ **or** intermediary providers
43 to block two-way voice grade communication from being delivered to an

1 end user from an originating provider if the commission finds the origi-
2 nating provider has failed to pay adequate compensation as required by
3 this section.

4 ~~(c)~~ **(d)** The provisions of this section shall not apply to communica-
5 tions determined by the federal communications commission to be
6 interstate.

7 Sec. 2. This act shall take effect and be in force from and after its
8 publication in the statute book.