

HOUSE BILL No. 2563

By Representative Sloan

1-29

1 AN ACT concerning telecommunications; relating to the Kansas universal
2 service fund; relating to contributions from advanced
3 telecommunications providers; capping distributions for certain
4 telecommunications providers; creating the rural broadband
5 deployment and maintenance account in the Kansas universal service
6 fund; authorizing expenditures from the rural broadband deployment
7 and maintenance account; amending K.S.A. 66-2011 and K.S.A. 2017
8 Supp. 66-1,187, 66-2008 and 66-2010 and repealing the existing
9 sections.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 2017 Supp. 66-1,187 is hereby amended to read as
13 follows: 66-1,187. As used in this act:

14 (a) "Broadband" means the transmission of digital signals at rates
15 equal to or greater than 1.5 megabits per second.

16 (b) "CLASS services" means custom local area signaling services,
17 which include automatic callback, automatic recall, calling number
18 identification, selective call rejection, selective call acceptance, selective
19 call forwarding, distinctive ringing and customer originated trace.

20 (c) "Commission" means the state corporation commission.

21 (d) "Dialing parity" means that a person that is not an affiliate of a
22 local exchange carrier is able to provide telecommunications services in
23 such a manner that customers have the ability to route automatically,
24 without the use of any access code, their telecommunications to the
25 telecommunications carrier of the customer's designation from among two
26 or more telecommunications carriers, including such local exchange
27 carrier.

28 (e) "Federal act" means the federal telecommunications act of 1996,
29 P.L. 104-104 (amending the communications act of 1934, 47 U.S.C. § 151
30 et seq.)

31 (f) "ISDN" means integrated services digital network which is a
32 network and associated technology that provides simultaneous voice and
33 data communications over a single communications channel.

34 (g) "LATA" has the meaning ascribed to it in the federal act.

35 (h) "Local exchange carrier" means any telecommunications public
36 utility or its successor, not to include an electing carrier, providing

1 switched telecommunications service within any local exchange service
2 area, as approved by the commission on or before January 1, 1996.
3 However, with respect to the Hill City exchange area, in which multiple
4 carriers were certified by the commission prior to January 1, 1996, the
5 commission's determination, subject to any court appeals, of which
6 authorized carrier shall serve as the carrier of last resort will determine
7 which carrier shall be deemed the local exchange carrier for that exchange.

8 (i) "Number portability" has the meaning ascribed to it in the federal
9 act.

10 (j) "1+ intraLATA dialing parity" means the ability of a local
11 exchange service customer to specify the telecommunications or local
12 exchange carrier that will carry the intraLATA long distance messages
13 when that customer dials either "1" or "0" plus a 10-digit number.

14 (k) "Operating area" means:

15 (1) In the case of a rural telephone company, operating area or service
16 area means such company's study area or areas as approved by the federal
17 communications commission;

18 (2) in the case of a local exchange carrier, other than a rural telephone
19 company, operating area or service area means such carrier's local
20 exchange service area or areas as approved by the commission.

21 (l) "Rural telephone company" has the meaning ascribed to it in the
22 federal act, excluding any local exchange carrier which together with all of
23 its affiliates has 20,000 or more access lines in the state.

24 (m) "Telecommunications carrier" means a corporation, company,
25 individual, association of persons, their trustees, lessees or receivers that
26 provides a telecommunications service, including, but not limited to,
27 interexchange carriers and competitive access providers, but not including
28 local exchange carriers certified before January 1, 1996.

29 (n) "Telecommunications public utility" means any public utility, as
30 defined in K.S.A. 66-104, and amendments thereto, which owns, controls,
31 operates or manages any equipment, plant or generating machinery, or any
32 part thereof, for the transmission of telephone messages, as defined in
33 K.S.A. 66-104, and amendments thereto, or the provision of
34 telecommunications services in or throughout any part of Kansas.

35 (o) "Telecommunications service" means the provision of a service
36 for the transmission of telephone messages, or two-way video or data
37 messages.

38 (p) "Universal service" means telecommunications services and
39 facilities which include: single party, two-way voice grade calling; stored
40 program controlled switching with vertical service capability; E-911
41 capability; tone dialing; access to operator services; access to directory
42 assistance; and equal access to long distance services.

43 (q) "Enhanced universal service" means telecommunications services,

1 in addition to those included in universal service, which shall include:
2 Signaling system seven capability, with CLASS service capability; basic
3 and primary rate ISDN capability, or the technological equivalent; full-
4 fiber interconnectivity, or the technological equivalent, between central
5 offices; and broadband capable facilities to: All schools accredited
6 pursuant to K.S.A. 72-3214 et seq., and amendments thereto; hospitals as
7 defined in K.S.A. 65-425, and amendments thereto; public libraries; and
8 state and local government facilities which request broadband services.

9 (r) *"Advanced telecommunications provider"* means an entity that
10 provides broadband internet service or an entity that is a content provider.

11 (s) *"Advanced telecommunications service"* means the provision of
12 broadband internet service or any subscription-based voice, data,
13 graphics or video services provided by a content provider.

14 (t) *"Broadband internet service"* means a retail service that utilizes
15 broadband facilities to allow end users to originate and receive data from
16 all or substantially all internet endpoints without regard to delivery
17 technology.

18 (w) *"Content provider"* means any entity that utilizes broadband
19 facilities to offer and provide retail subscription-based voice, data,
20 graphics or video services to customers of such content provider and
21 generates intrastate net retail revenues of \$500,000 or more from such
22 services.

23 Sec. 2. K.S.A. 2017 Supp. 66-2008 is hereby amended to read as
24 follows: 66-2008. On or before January 1, 1997, the commission shall
25 establish the Kansas universal service fund, hereinafter referred to as the
26 KUSF.

27 (a) The commission shall require every *advanced*
28 *telecommunications provider*; telecommunications carrier,
29 telecommunications public utility and wireless telecommunications service
30 provider that provides intrastate telecommunications services *or advanced*
31 *telecommunications services* and, to the extent not prohibited by federal
32 law, every provider of interconnected VoIP service, as defined by 47
33 C.F.R. 9.3, to contribute to the KUSF based upon the provider's intrastate
34 *advanced telecommunications services* and telecommunications services
35 net retail revenues on an equitable and nondiscriminatory basis. *Except for*
36 *advanced telecommunications services*, the commission shall not require
37 any provider to contribute to the KUSF under a different contribution
38 methodology than such provider uses for purposes of the federal universal
39 service fund, including for bundled offerings. Any *advanced*
40 *telecommunications provider*; telecommunications carrier,
41 telecommunications public utility, wireless telecommunications service
42 provider or provider of interconnected VoIP service which contributes to
43 the KUSF may collect from customers an amount equal to such carrier's,

1 utility's or provider's contribution, but such carrier, provider or utility may
2 collect a lesser amount from its customer.

3 *Except as provided in subsection (c)(6) through (8), any contributions*
4 *in excess of distributions collected in any reporting year shall be applied to*
5 *reduce the estimated contribution that would otherwise be necessary for*
6 *the following year.*

7 (b) Pursuant to the federal act, distributions from the KUSF shall be
8 made in a competitively neutral manner to qualified telecommunications
9 public utilities, telecommunications carriers and wireless
10 telecommunications providers, that are deemed eligible both under
11 subsection (e)(1) of section 214 of the federal act and by the commission.

12 (c) Beginning ~~January 1, 2014~~ *March 1, 2019, and subject to the cap*
13 *pursuant to paragraph (7):*

14 (1) Annual distributions from the KUSF for a local exchange carrier
15 subject to price cap regulation pursuant to K.S.A. 66-2005, and
16 amendments thereto, shall be capped at the lesser of:

17 (A) 90% of KUSF support the carrier received for the 12-month
18 period ending February 28, 2013; or

19 (B) \$11,400,000.

20 The amounts prescribed in subparagraph (A) or (B) shall not include
21 KUSF support for Kansas lifeline service program purposes, pursuant to
22 K.S.A. 66-2006, and amendments thereto.

23 (2) Local exchange carriers subject to price cap regulation pursuant to
24 K.S.A. 66-2005, and amendments thereto, shall not receive KUSF support
25 for any residential or business lines within an exchange that the
26 commission has granted price deregulation pursuant to K.S.A. 66-2005(q)
27 (1)(B), (C) or (D), and amendments thereto, except for areas within any
28 census block in such an exchange in which there is no wireline carrier
29 providing local exchange access lines that does not receive KUSF support,
30 not including KUSF support for Kansas lifeline service program purposes
31 pursuant to K.S.A. 66-2006, and amendments thereto, for such access
32 lines.

33 (3) Local exchange carriers subject to price cap regulation pursuant to
34 K.S.A. 66-2005, and amendments thereto, shall receive the same per line,
35 per month KUSF support as established in the April 13, 2000 notice in
36 commission docket numbers 99-GIMT-326-GIT and 00-GIMT-236-GIT
37 subject to the cap percentage in subsection (c)(1), not including KUSF
38 support for Kansas lifeline service program purposes pursuant to K.S.A.
39 66-2006, and amendments thereto, except that the amount shall be reduced
40 by any funding received by such carrier from the federal communication
41 commission's connect America fund II for the same household, if feasible,
42 or for the same census block.

43 (4) The commission shall discontinue the use of the "identical

1 support" rule and shall cap all competitive eligible telecommunications
2 carriers' KUSF high cost support as of March 1, 2013, and beginning
3 March 1, 2014, over a period of four years in annual equal increments,
4 reduce to zero, beginning March 1, 2018, the amount of KUSF high cost
5 support received by competitive eligible telecommunications carriers.
6 Nothing in this section shall be construed to affect competitive eligible
7 telecommunications carriers' eligibility for Kansas lifeline service program
8 purposes pursuant to K.S.A. 66-2006, and amendments thereto. For the
9 purposes of this subsection, "competitive eligible telecommunications
10 carrier" means a telecommunications carrier designated by the commission
11 as an eligible telecommunications carrier after January 1, 1998.
12 "Competitive eligible telecommunications carrier" shall not mean any
13 local exchange carrier or any electing carrier designated by the
14 commission as an eligible telecommunications carrier by order dated
15 December 5, 1997, in docket No. 98-GIMIT-241-GIT, or any such local
16 exchange carrier's or electing carrier's successors or assigns.

17 (5) An electing carrier shall no longer be eligible to receive high cost
18 support from the KUSF.

19 (6) *On and after March 1, 2019, the total annual amount of*
20 *contributions required to be made by all telecommunications carriers,*
21 *telecommunications public utilities, wireless telecommunications service*
22 *providers and providers of interconnected VoIP service shall be greater*
23 *than or equal to the total amount of contributions made by all such*
24 *carriers, utilities and providers between March 1, 2017, and March 1,*
25 *2018.*

26 (7) (A) *The commission shall cap all eligible telecommunications*
27 *carriers' KUSF support at an amount based upon the amount of KUSF*
28 *support received by eligible telecommunications carriers between March*
29 *1, 2017, and March 1, 2018:*

- 30 (i) *On and after March 1, 2019, 90% of such KUSF support;*
31 (ii) *on and after March 1, 2020, 85% of such KUSF support;*
32 (iii) *on and after March 1, 2021, 80% of such KUSF support; and*
33 (iv) *on and after March 1, 2022, 75% of such KUSF support.*

34 (B) *In any year that the total KUSF support for such carriers would*
35 *exceed the caps provided in this paragraph, each carrier's KUSF support*
36 *shall be proportionately based on the amount of support each such carrier*
37 *would have received absent the cap.*

38 (8) *All contributions made by telecommunications carriers,*
39 *telecommunications public utilities, wireless telecommunications service*
40 *providers and providers of interconnected VoIP service pursuant to*
41 *paragraph (6) that exceed the total capped distribution amounts provided*
42 *in paragraph (7) shall be deposited in the KUSF and credited to the rural*
43 *broadband deployment and maintenance account created pursuant to*

1 *subsection (h).*

2 (d) (1) Subject to paragraph (2), the commission may periodically
3 review the KUSF to determine if the costs of qualified telecommunications
4 public utilities, telecommunications carriers and wireless
5 telecommunications service providers to provide local service justify
6 modification of the KUSF. If the commission determines that any changes
7 are needed, the commission shall modify the KUSF accordingly and
8 annually report such changes to the senate standing committee on utilities
9 and the house standing committee on utilities and telecommunications.

10 (2) The commission shall undertake a review of the capped amount of
11 KUSF support available for each local exchange carrier operating under
12 price cap regulation that receives such support, not including Kansas
13 lifeline service program purposes pursuant to K.S.A. 66-2006, and
14 amendments thereto, and determine if a lesser amount is appropriate for
15 KUSF distributions after March 1, 2019. Reviews of such carriers shall be
16 based on the forward-looking costs of providing basic voice service, using
17 inputs that reflect the actual geography being served and that reflect the
18 scale and scope of the local exchange carrier providing basic local voice
19 service within each exchange.

20 (e) (1) For each local exchange carrier electing pursuant to K.S.A.
21 66-2005(b), and amendments thereto, to operate under traditional rate of
22 return regulation, all KUSF support, including any adjustment thereto
23 pursuant to this section, shall ensure the reasonable opportunity for
24 recovery of such carrier's intrastate embedded costs, revenue requirements,
25 investments and expenses, subject to the annual cap established pursuant
26 to ~~subsection~~ *subsections (c)(7) and (e)(3)*. Any modification of such
27 support shall be made only as a direct result of changes in those factors
28 enumerated in this subsection. Nothing in this subsection shall prohibit the
29 commission from conducting a general investigation regarding effects of
30 federal universal service reform on KUSF support and the
31 telecommunications public policy of the state of Kansas as expressed in
32 K.S.A. 66-2001, and amendments thereto. The commission may present
33 any findings and recommendations to the telecommunications study
34 committee established in K.S.A. 2017 Supp. 66-2018, and amendments
35 thereto.

36 (2) Notwithstanding any other provision of law, no KUSF support
37 received by a local exchange carrier electing pursuant to K.S.A. 66-
38 2005(b), and amendments thereto, to operate under traditional rate of
39 return regulation shall be used to offset any reduction of federal universal
40 service fund support for recovery of such carrier's interstate costs and
41 investments.

42 (3) Notwithstanding any other provision of law, the total KUSF
43 distributions, not to include KUSF support for Kansas lifeline service

1 program purposes, pursuant to K.S.A. 66-2006, and amendments thereto,
2 made to all local exchange carriers operating under traditional rate of
3 return regulation pursuant to K.S.A. 66-2005(b), and amendments thereto,
4 shall not exceed an annual \$30,000,000 cap. In any year that the total
5 KUSF support for such carriers would exceed the annual cap, each
6 carrier's KUSF support shall be proportionately based on the amount of
7 support each such carrier would have received absent the cap. A waiver of
8 the cap shall be granted based on a demonstration by a carrier that such
9 carrier would experience significant hardship due to force majeure or
10 natural disaster as determined by the commission.

11 (f) Additional supplemental funding from the KUSF, other than as
12 provided in subsection (e), may be authorized at the discretion of the
13 commission. However, the commission may require approval of such
14 funding to be based upon a general rate case filing. With respect to any
15 request for additional supplemental funding from the KUSF and to any
16 audit of a rural telephone company's KUSF support, the commission shall
17 act expeditiously, and shall be subject to the 240-day deadline for rate case
18 applications pursuant to K.S.A. 66-117, and amendments thereto.

19 (g) *Each provider of advanced telecommunications service shall*
20 *contribute to the KUSF based upon the provider's intrastate advanced*
21 *telecommunications services net retail revenues. The KUSF administrator*
22 *shall set contribution rates for advanced telecommunications services*
23 *based upon the projected obligations of the rural broadband deployment*
24 *and maintenance account. The administrator may set different*
25 *contribution rates for content providers and providers of broadband*
26 *internet service, except that each individual rate shall be equitable and*
27 *nondiscriminatory for all such content providers or providers of*
28 *broadband internet service. All moneys contributed to the KUSF for the*
29 *provision of advanced telecommunications services pursuant to this*
30 *subsection shall be deposited in the KUSF and credited to the rural*
31 *broadband deployment and maintenance account.*

32 (h) *The commission shall establish and maintain within the KUSF a*
33 *rural broadband deployment and maintenance account to be administered*
34 *by the KUSF administrator selected pursuant to K.S.A. 66-2010, and*
35 *amendments thereto. Moneys credited to the rural broadband deployment*
36 *and maintenance account shall only be expended in accordance with the*
37 *provisions of this section.*

38 (i)(I) *Advanced telecommunications providers may submit*
39 *applications to the KUSF administrator for assistance from the rural*
40 *broadband deployment and maintenance account to deploy and maintain*
41 *broadband service in rural areas. As used in this subsection:*

42 (A) *"Broadband service" means a retail service that provides high-*
43 *speed internet access capability and enables a subscriber to the service to*

1 originate and receive high-quality voice, data, graphics and video, without
2 regard to delivery technology and: (i) Is capable of minimum download
3 speeds of 25 megabits per second and minimum upload speeds of three
4 megabits per second; (ii) provides an average latency of less than 100
5 milliseconds to enable the use of real time communications; and (iii)
6 provides subscribers with a minimum monthly data allowance of 150
7 gigabytes per month.

8 (B) "Rural area" means a county with an average population density
9 of less than 100 persons per square mile, excluding the county seat, and
10 that is not served by broadband service with the minimum speeds or is
11 served by broadband service, but less than 10% of the population in such
12 county has access to such broadband service.

13 (2) Applications for assistance shall provide: (A) The geographic
14 area and number of customers to be served; (B) the time it will take to
15 construct the necessary infrastructure to serve the prospective customers;
16 (C) customer commitments including, but not limited to, proposed efforts
17 to sign service contracts with prospective customers within the geographic
18 area, preconstruction petitions, deposits or other forms of customer
19 commitments; and (D) such other requirements as the commission deems
20 necessary or appropriate.

21 (3) Applicants shall be required to demonstrate that requested
22 assistance from the rural broadband deployment and maintenance account
23 is not more than 60% of the total cost of the proposed project at the time
24 the application is submitted to the KUSF administrator.

25 (4) If multiple applicants submit applications to serve the same
26 geographic area's customers, the KUSF administrator shall give
27 preference to: (A) Providers with proven records of successful
28 development and deployment of rural broadband services; (B)
29 applications that request the least amount of money to serve such
30 geographic area; and (C) any other criteria that the KUSF administrator
31 deems appropriate.

32 (5) Advanced telecommunications providers that are awarded
33 assistance funds from the rural broadband deployment and maintenance
34 account shall be reimbursed by the KUSF administrator upon submission
35 of verifiable invoices for infrastructure deployment and maintenance costs
36 up to the amount approved in such carrier's application by the KUSF
37 administrator.

38 (6) To be eligible for assistance from the broadband deployment and
39 maintenance account, an application for assistance shall include plans to
40 be completed within five years from the date such application is approved
41 by the KUSF administrator.

42 (7) The KUSF administrator shall allocate 5% of the total amount
43 that is collected and credited to the broadband deployment and

1 *maintenance account in each year for distribution to county extension*
2 *councils and extension districts created pursuant to article 6 of chapter 2*
3 *of the Kansas Statutes Annotated, and amendments thereto. Such amount*
4 *shall be allocated to county extension councils and extension districts on*
5 *an equitable and nondiscriminatory basis to provide support to broadband*
6 *service providers to increase customer take rates. County extension*
7 *councils and extension districts may support more than one broadband*
8 *service provider, but shall give priority to those providers that are*
9 *receiving funds from the broadband deployment and maintenance account.*

10 *(8) The commission may promulgate any necessary rules and*
11 *regulations to implement and administer the provisions of this subsection.*

12 Sec. 3. K.S.A. 2017 Supp. 66-2010 is hereby amended to read as
13 follows: 66-2010. (a) The commission shall utilize a competitive bidding
14 process to select a neutral, competent and bonded third party to administer
15 the KUSF.

16 (b) The administrator shall be responsible for: (1) Collecting and
17 auditing all relevant information from all qualifying *advanced*
18 *telecommunications providers*, telecommunications public utilities,
19 telecommunications carriers or wireless telecommunications service
20 providers receiving funds from or providing funds to the KUSF; (2)
21 verifying, based on the calculations of each qualifying *advanced*
22 *telecommunications provider*, telecommunications carrier,
23 telecommunications public utility or wireless telecommunications service
24 provider, the obligation of each such qualifying carrier, utility or provider
25 to generate the funds required by the KUSF; (3) collecting all moneys due
26 to the KUSF from all *advanced telecommunications providers*,
27 telecommunications public utilities, telecommunications carriers and
28 wireless telecommunications service providers in the state; ~~and~~ (4)
29 distributing amounts on a monthly basis due to qualifying
30 telecommunications public utilities, wireless telecommunications service
31 providers and telecommunications carriers receiving KUSF funding; (5)
32 *accepting applications for assistance from the broadband deployment and*
33 *maintenance account in the KUSF, approving or denying applications and*
34 *distributing approved assistance amounts to eligible telecommunications*
35 *providers and advanced telecommunications providers from such account;*
36 *and (6) disbursing funds from the broadband deployment and maintenance*
37 *account to county extension councils and extension districts pursuant to*
38 *K.S.A. 66-2008(i)(7), and amendments thereto.*

39 (c) Any information made available or received by the administrator
40 from carriers, utilities or providers receiving funds from or providing
41 funds to the KUSF shall not be subject to any provisions of the Kansas
42 open records act and shall be considered confidential and proprietary.

43 (d) The administrator shall be authorized to maintain an action to

1 collect any funds owed by any *advanced telecommunications provider*,
2 telecommunications carrier, public utility or wireless telecommunications
3 provider in the district court in the county of the registered office of such
4 carrier, utility or provider or, if such carrier, utility or provider does not
5 have a registered office in the state, such an action may be maintained in
6 the county where such carrier's, utility's or provider's principal office is
7 located. If such carrier, utility or provider has no principal office in the
8 state, such an action may be maintained in the district court of any county
9 in which such carrier, utility or provider provides service.

10 (e)-(H) The KUSF administrator shall be responsible to ensure that
11 funds do not fall below the level necessary to pay all amounts collectively
12 owed to all qualifying *advanced telecommunications carriers*,
13 telecommunications public utilities, wireless telecommunications service
14 providers and telecommunications carriers. *The KUSF administrator shall*
15 *be responsible to ensure that total annual contributions do not fall below*
16 *the amount of contributions required pursuant to K.S.A. 66-2008(c)(6),*
17 *and amendments thereto.* The administrator shall have the authority to
18 retain and invest in a prudent and reasonable manner any excess funds
19 collected in any period to help ensure that adequate funds are available to
20 cover amounts payable in other periods.

21 ~~(2) Subject to the provisions of appropriations acts, for fiscal year~~
22 ~~2013, the KUSF administrator may transfer moneys from the KUSF to the~~
23 ~~state treasurer. Upon the receipt of any payment, the state treasurer shall~~
24 ~~deposit the entire amount in the state treasury and credit it to the KAN-ED~~
25 ~~fund. Any such payments shall be made after all payments required by~~
26 ~~K.S.A. 66-2008, and amendments thereto, for the month are made from~~
27 ~~the KUSF.~~

28 Sec. 4. K.S.A. 66-2011 is hereby amended to read as follows: 66-
29 2011. (a) As used in this section, "the internet" means the international
30 network of interconnected government, educational, and commercial
31 computer networks. An "internet service provider" means an entity that
32 provides end user access to the internet. *Except as provided in K.S.A. 66-*
33 *2008, and amendments thereto, pertaining to the Kansas universal service*
34 *fund*, nothing in this section shall be construed to mean that the
35 commission has any regulatory jurisdiction over internet service providers.
36 The provisions of this section apply only to those locations of the state
37 where local (7-digit) internet access, which supports at least 14.4 kilobits
38 per second service with no more than 5% blockage during the busiest hour
39 of the service, is not available on or after October 1, 1996.

40 (b) On or after July 1, 1996 and prior to October 1, 1996, rural
41 telephone companies shall file concurring tariffs to offer internet access in
42 locations identified in subsection (a) to an intraLATA internet service
43 provider of the customer's choice. All rural telephone companies, including

1 local exchange carriers pursuant to subsection (c), shall provide dial-up
2 access to support at least 14.4 kilobit per second service ubiquitously
3 throughout the exchange service area, with 19.2 kilobit per second service
4 on and after July 1, 1999. The commission shall increase the 19.2 kilobit
5 per second requirement when the commission determines that more
6 advanced technology is both technically and economically feasible.

7 (c) On or after July 1, 1996 and prior to October 1, 1996, all local
8 exchange carriers, other than rural telephone companies, shall file tariffs
9 with the commission for two flat-rate dial-up plans, which would provide
10 internet access in locations identified in subsection (a) to an intraLATA
11 internet service provider of the customer's choice. All such plans shall be
12 approved by the commission if they meet the criteria established in this
13 section. The first plan includes: (1) For off-peak users, a monthly rate of
14 not more than \$15 per line for the hours of 5 p.m. through 7:59 a.m.
15 weekdays and all hours on weekends and federal holidays. Calls placed
16 outside this specified off-peak period shall be billed at prevailing toll
17 rates; and (2) for unlimited usage, the rate shall not exceed \$30 per line
18 per month. The commission shall waive imputation considerations in
19 reviewing and approving these service offerings.

20 (d) If a location was previously eligible for the plans provided in
21 subsection (c) and a new internet service provider establishes a local
22 presence in that location, the local exchange carrier serving the location
23 shall:

24 (1) Notify all subscribers of the discounted internet access service
25 that a local internet service provider is now available;

26 (2) continue to make the discounted internet access service available
27 to existing subscribers of such service with no deterioration of such
28 service; and

29 (3) allow no new subscribers of the discounted internet access
30 service.

31 (e) *Except as provided in K.S.A. 66-2008, and amendments thereto,*
32 *pertaining to the Kansas universal service fund,* nothing in this section
33 shall be construed to imply that the commission has any regulatory
34 jurisdiction over the internet or internet service providers with respect to
35 quality of service, rates, billing and collection practices, end-to-end
36 bandwidth, technical support or any other aspects of the business of
37 providing internet access service. However, the commission shall monitor
38 the adequacy of connectivity to internet service providers. Upon
39 complaints of inadequate access, commission staff shall request a seven-
40 day traffic busy line study from the local exchange carrier serving the
41 internet service provider. Commission staff shall analyze the study results
42 to determine whether there is more than 5% access blockage and shall
43 provide the analysis to the internet service provider for consideration and

1 possible action. If the analysis indicates a need for additional capacity and
2 the internet service provider fails to take a corrective action within 45 days
3 after the analysis is provided to such provider by the commission staff, the
4 internet service provider shall be removed from the commission's internet
5 service provider registry and subscribers of such internet service
6 subscriber shall be eligible for the plans provided in subsection (c) if there
7 is no other local internet service provider serving the location.

8 (f) All internet service providers operating in the state shall register
9 with the commission. Such registration shall include the name of the
10 internet service provider and the provider's address, contact name, phone
11 number, and access line numbers. This information shall be maintained by
12 the commission at the commission's internet home page
13 (<http://www.kcc.state.ks.us>). This information shall be used to determine a
14 requesting customer's eligibility for the plans provided in subsection (c)
15 and to provide a single authoritative listing of internet service provider
16 access numbers for local exchange carriers to use in processing service
17 orders. Absent complaints to commission staff, internet service providers
18 shall be assumed to provide service with 5% or less access blockage upon
19 registration. If, upon complaint and subsequent investigation, access
20 blockage is determined to exceed 5%, the provider shall be removed from
21 the commission's registry.

22 ~~(g) During the 1999 session of the Kansas legislature, the commission~~
23 ~~shall transmit a report to the chairperson, vice-chairperson and ranking~~
24 ~~minority member of the house standing committee on energy and natural~~
25 ~~resources, the senate standing committee on transportation and utilities and~~
26 ~~the joint committee on computers and telecommunications concerning~~
27 ~~implementation of this section. The report shall include recommendations~~
28 ~~for revisions in this section necessitated by technological innovation or~~
29 ~~market changes in the telecommunications industry. The report also may~~
30 ~~include an expiration date for this section.~~

31 Sec. 5. K.S.A. 66-2011 and K.S.A. 2017 Supp. 66-1,187, 66-2008
32 and 66-2010 are hereby repealed.

33 Sec. 6. This act shall take effect and be in force from and after its
34 publication in the statute book.