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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- BROADBAND DEPLOYMENT
AND INVESTMENT ACT

Introduced By: Senators Walaska, Connors, and Miller

Date Introduced: June 04, 2009

Referred To: Senate Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND
2 CARRIERS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 28

4 BROADBAND DEPLOYMENT AND INVESTMENT ACT

5 **39-28-1. Findings.** -- The Rhode Island general assembly finds that growth and
6 enhancement of services using Internet protocol technology provide Rhode Island consumers
7 more choice in voice, data and video services than at any other time. The proliferation of new
8 technologies and applications and the growing number of providers developing and offering
9 innovative services using Internet protocol are due in large part to little barrier to investment,
10 including freedom from state laws and regulations governing traditional telephone service, that
11 these technologies have enjoyed in Rhode Island, as well as recognition that federal law is more
12 uniform in its oversight of Internet protocol-enabled services. The economic benefits, including
13 consumer choice, new jobs and significant capital investment, will be jeopardized and
14 competition minimized by the imposition of traditional state entry, rate and service term
15 regulation on voice-over-Internet protocol service and Internet protocol-enabled service.

16 **39-28-2. Definitions.** -- For the purpose of this chapter, the following terms shall have
17 the following meanings:

18 (1) "Voice-over-Internet Protocol Service" or "VoIP Service" means any service that:

1 (i) Enables real-time, two-way voice communications that originate from or terminate at
2 the user's location in Internet protocol or any successor protocol;

3 (ii) Uses a broadband connection from the user's location; and

4 (iii) Permits users generally to receive calls that originate on the public switched
5 telephone network and to terminate calls to the public switched telephone network.

6 (2) "Internet Protocol-enabled service" of "IP-enabled service" means any service,
7 capability, functionality, or application provided except that as provided in subdivision 39-28-
8 2(1) using Internet protocol, or any successor protocol, that enables an end user to send or receive
9 a communication in Internet protocol format or any successor format.

10 **39-28-3. Regulation.** -- Notwithstanding any general or public law, to the contrary and
11 with the exception of the provisions of subsection 39-28-4, no department, agency, commission
12 or political subdivision of Rhode Island shall enact, adopt or enforce, either directly or indirectly,
13 any law, rule, regulation, ordinance, standard, order or other provision having the force or effect
14 of law that regulates, or has the effect of regulating, the entry, rates, terms or conditions of VoIP
15 Service or IP-enabled service.

16 **39-28-4. Unaffected fees.** -- Nothing in this act shall be construed to affect, mandate or
17 prohibit the assessment of nondiscriminatory enhanced 911 fees; telecommunications relay
18 service fees or the telecommunications education access fund surcharge under section 39-1-61.

19 **39-28-5. Rights or obligations of carriers.** -- Nothing in this act shall be construed to
20 modify or affect the rights or obligations of any carrier pursuant to 47 U.S.C. section 251 or 47
21 U.S.C. section 252.

22 **39-28-6. Effect on tax obligations or authority.** -- Nothing in this act shall be construed
23 to modify or affect any tax obligations imposed by section 44-13-4 or the authority of the
24 department of revenue to enforce any such obligations.

25 **39-28-7. No derogation of attorney general.** -- Nothing in this chapter shall derogate
26 from the common law or statutory authority of the attorney general, nor shall any provision be
27 construed as a limitation on the common law or statutory authority of the attorney general,
28 including, but not limited to, the authority to enforce consumer protection or unfair or deceptive
29 trade practice statutes and regulations.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PUBLIC UTILITIES AND CARRIERS -- BROADBAND DEPLOYMENT
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- 1 This act would create the broadband deployment and investment act designed to
- 2 implement proper regulations and oversight thereof.
- 3 This act would take effect upon passage.

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