

Enrolled Senate Bill 13

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CHAPTER

AN ACT

Relating to telecommunications industry; creating new provisions; amending sections 2 and 3, chapter 589, Oregon Laws 1999; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 3, chapter 589, Oregon Laws 1999, is amended to read:

Sec. 3. [*This 1999 Act is*] **Sections 1 and 2, chapter 589, Oregon Laws 1999, are repealed June 30, [2005] 2008.**

SECTION 2. **If this 2005 Act does not become effective until after June 30, 2005, the amendments to section 3, chapter 589, Oregon Laws 1999, by section 1 of this 2005 Act revive section 2, chapter 589, Oregon Laws 1999. If this 2005 Act does not become effective until after June 30, 2005, the amendments to section 3, chapter 589, Oregon Laws 1999, by section 1 of this 2005 Act operate retroactively to that date, and the operation and effect of section 2, chapter 589, Oregon Laws 1999, continues unaffected from June 30, 2005, to the effective date of this 2005 Act and thereafter.**

SECTION 3. Section 2, chapter 589, Oregon Laws 1999, as amended by section 2, chapter 775, Oregon Laws 2003, is amended to read:

Sec. 2. In order to ensure consistency with the federal Telecommunications Act of 1996 (P.L. 104-104), to enhance fair competition and to promote deregulation of the telecommunications industry, the Public Utility Commission [*annually*] **biennially** shall submit a report to the Governor and the Legislative Assembly or the Emergency Board on or before January 31 each odd-numbered year. The report shall include information on:

- (1) The status of competition in the telecommunications industry;
- (2) Significant changes that have occurred in the telecommunications industry during the preceding 12 months;
- (3) Statutes that inhibit or discourage competition in and deregulation of the telecommunications industry;
- (4) Specific actions taken by the commission to reduce the regulatory burden imposed on the telecommunications industry, including telecommunications utilities and competitive telecommunications providers;
- (5) Specific actions taken by the commission to maximize the opportunities for telecommunications utilities and competitive telecommunications providers to achieve pricing flexibility, including rate rebalancing, exemption from regulation and streamlined regulations;

- (6) Specific actions taken by the commission to:
 - (a) Minimize implicit sources of support; and
 - (b) Maximize explicit sources of support that are specific, sufficient, competitively neutral and technologically neutral and that support telecommunications services for customers of telecommunications providers in high-cost locations;

(7) Statutes that should be enacted, amended or repealed to enhance and respond to the competitive telecommunications environment or promote the orderly deregulation of the telecommunications industry; *[and]*

(8) The number of public bodies, as defined by ORS 174.109, providing basic telecommunications infrastructure so that private entities may use that infrastructure to provide advanced information and communications services[.]; **and**

(9) The availability of broadband services, the rates charged for broadband services, the demand for broadband services and the usage of broadband services. The commission may not impose reporting requirements on telecommunications utilities for the purpose of implementing this subsection.

SECTION 4. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.

Passed by Senate March 16, 2005

Received by Governor:

Repassed by Senate June 9, 2005

.....M.,....., 2005

Approved:

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Secretary of Senate

.....M.,....., 2005

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President of Senate

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Governor

Passed by House June 6, 2005

Filed in Office of Secretary of State:

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Speaker of House

.....M.,....., 2005

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Secretary of State