

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 29, 2010
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB10-1281 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. 40-15-102, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **40-15-102. Definitions.** As used in this article, unless the context
6 otherwise requires:

7 (10.5) "INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL
8 (VOIP) SERVICE" MEANS A SERVICE THAT:

9 (a) ENABLES REAL-TIME, TWO-WAY VOICE COMMUNICATIONS;

10 (b) REQUIRES A BROADBAND CONNECTION FROM THE USER'S
11 LOCATION;

12 (c) REQUIRES INTERNET PROTOCOL-COMPATIBLE CUSTOMER
13 PREMISES EQUIPMENT (CPE); AND

14 (d) PERMITS USERS GENERALLY TO RECEIVE CALLS THAT
15 ORIGINATE ON THE PUBLIC SWITCHED TELEPHONE NETWORK AND TO
16 TERMINATE CALLS TO THE PUBLIC SWITCHED TELEPHONE NETWORK.

1 **SECTION 2. Repeal.** 40-15-201 (2) (a), (2) (f), (2) (g), Colorado
2 Revised Statutes, are repealed as follows:

3 **40-15-201. Regulation by commission.** (2) The following
4 products, services, and providers are declared to be subject to regulation
5 pursuant to this part 2 and subject to potential reclassification under
6 section 40-15-207:

7 (a) ~~Basic local exchange service;~~

8 (f) ~~New products and services included in the definition of basic~~
9 ~~local exchange service;~~

10 (g) ~~Dual tone multifrequency signaling;~~

11 **SECTION 3.** 40-15-301 (2), Colorado Revised Statutes, is
12 amended BY THE ADDITION OF THE FOLLOWING NEW
13 PARAGRAPHS to read:

14 **40-15-301. Regulation by the commission.** (2) The following
15 telecommunications products, services, and providers are declared to be
16 initially subject to regulation pursuant to this part 3 and subject to
17 potential deregulation under section 40-15-305:

18 (h) BASIC LOCAL EXCHANGE SERVICE; AND

19 (i) NEW PRODUCTS AND SERVICES INCLUDED IN THE DEFINITION OF
20 BASIC LOCAL EXCHANGE SERVICE.

21 **SECTION 4.** 40-15-401 (1), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23 **40-15-401. Services, products, and providers exempt from**
24 **regulation.** (1) The following products, services, and providers are
25 exempt from regulation under this article or under the "Public Utilities
26 Law" of the state of Colorado:

27 (q) INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL (VOIP)
28 SERVICE."

29 **SECTION 5.** 40-15-502 (2), Colorado Revised Statutes, is
30 amended to read:

1 **40-15-502. Expressions of state policy. (2) Basic service.**
2 (a) Basic service is the availability of high quality, minimum elements of
3 telecommunications services, as defined by the commission, at just,
4 reasonable, and affordable rates to all people of the state of Colorado.
5 The commission shall conduct a proceeding when appropriate, but no
6 later than July 1, 1999, and no less frequently than every three years to
7 consider the revision of the definition of basic service, with the goal that
8 every citizen of this state shall have access to a wider range of services at
9 rates that are reasonably comparable as between urban and rural areas.

10 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,
11 THE COMMISSION MAY REQUIRE A PROVIDER TO CHARGE UNIFORM RATES
12 FOR BASIC LOCAL EXCHANGE SERVICES THROUGHOUT A PROVIDER'S
13 SERVICE TERRITORY.

14 **SECTION 6. Act subject to petition - effective date.** This act
15 shall take effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part shall not take effect
21 unless approved by the people at the general election to be held in
22 November 2010 and shall take effect on the date of the official
23 declaration of the vote thereon by the governor."

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