

**Enrolled**  
**Senate Bill 982**

Sponsored by Senators DEVLIN, NELSON, Representative BUTLER; Representative ROSENBAUM

CHAPTER .....

AN ACT

Relating to telecommunications; amending ORS 759.005 and 759.500.

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

**SECTION 1.** ORS 759.005 is amended to read:

759.005. *[(1)(a) As used in this chapter, except as provided in paragraph (b) of this subsection, "telecommunications utility" means:]*

*[(A) Any corporation, company, individual, association of individuals, or its lessees, trustees or receivers, that owns, operates, manages or controls all or a part of any plant or equipment in this state for the provision of telecommunications service, directly or indirectly to or for the public, whether or not the plant or equipment, or any portion of the plant or equipment, is wholly within any town or city.]*

*[(B) Any corporation, company, individual or association of individuals that is party to an oral or written agreement for the payment by a telecommunications utility, for service, managerial construction, engineering or financing fees, and having an affiliated interest with the telecommunications utility.]*

*[(b) As used in this chapter, "telecommunications utility" does not include:]*

*[(A) Any plant owned or operated by a municipality.]*

*[(B) Any corporation not providing intrastate telecommunications service to the public in this state, whether or not the corporation has an office in this state or has an affiliated interest with a telecommunications utility as defined in this chapter.]*

*[(C) Any person acting only as a competitive telecommunications provider.]*

*[(D) Any corporation, company, individual or association of individuals providing only telephone customer premises equipment to the public.]*

*[(2) As used in this chapter:*

*[(a) (1) "Competitive telecommunications provider" means a telecommunications services provider that has been classified as a competitive telecommunications provider by the Public Utility Commission pursuant to ORS 759.020.*

*[(b) (2) "Intrastate telecommunications service" means any telecommunications service in which the information transmitted originates and terminates within the boundaries of the State of Oregon.*

*[(c) (3) "Local exchange telecommunications service" means telecommunications service provided within the boundaries of exchange maps filed with and approved by the commission.*

*[(d) (4) "Private telecommunications network" means a system for the provision of telecommunications service or any portion of telecommunications service, including the construction, maintenance or operation of the system, by a person for the exclusive use of that person and not for resale, directly or indirectly.*

[(e)] (5) "Radio common carrier" means any corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers and any town making available facilities to provide radio communications service, radio paging or cellular communications service for hire.

[(f)] (6) "Shared telecommunications service" means the provision of telecommunications and information management services and equipment to a user group located in discrete premises in building complexes, campuses or high-rise buildings, by a commercial shared services provider or by a users' association, through privately owned customer premises equipment and associated data processing and information management services and includes the provision of connections to local exchange telecommunications service.

(7) "Telecommunications" means the transmission of information chosen by a person, between or among points specified by the person, without change in the form or content of the information sent or received.

[(g)] (8) "Telecommunications service" means [two-way switched access and transport of voice communications but] telecommunications that are offered for a fee to the public, or to such class of users as to be effectively available to the public, without regard to the facilities used to provide the telecommunications. "Telecommunications service" does not include:

[(A)] (a) Services provided by radio common carrier.

[(B)] (b) One-way transmission of television signals.

[(C)] *Surveying.*

[(D)] (c) Private telecommunications networks.

[(E)] (d) Communications of the customer that take place on the customer side of on-premises equipment.

(9)(a) "Telecommunications utility" means:

(A) Any corporation, company, individual or association of individuals, or its lessees, trustees or receivers, that owns, operates, manages or controls all or a part of any plant or equipment in this state for the provision of telecommunications service, directly or indirectly to or for the public, whether or not the plant or equipment, or any portion of the plant or equipment, is wholly within any town or city.

(B) Any corporation, company, individual or association of individuals that is party to an oral or written agreement for the payment by a telecommunications utility, for service, managerial construction, engineering or financing fees, and has an affiliated interest with the telecommunications utility.

(b) "Telecommunications utility" does not include:

(A) Any plant owned or operated by a municipality.

(B) Any corporation not providing intrastate telecommunications service to the public in this state, whether or not the corporation has an office in this state or has an affiliated interest with a telecommunications utility as defined in this chapter.

(C) Any person acting only as a competitive telecommunications provider.

(D) Any corporation, company, individual or association of individuals providing only telephone customer premises equipment to the public.

[(h)] (10) "Toll" means switched telecommunications between exchanges carried on the public switched network. "Toll" does not include services that are an option to flat rate local or extended area service, even though the options may include charges on a per-unit basis.

**SECTION 2.** ORS 759.500 is amended to read:

759.500. As used in ORS 759.500 to 759.570, unless the context requires otherwise:

(1) "Allocated territory" means a geographic area for which the Public Utility Commission has allocated to no more than one person the authority to provide local exchange telecommunications service, the boundaries of which are set forth on an exchange map filed with and approved by the commission.

(2) "Person" includes:

(a) An individual, firm, partnership, corporation, association, cooperative or municipality; or

(b) The agent, lessee, trustee or referee of an individual or entity listed in paragraph (a) of this subsection.

(3) "Local exchange telecommunications service" has the meaning given that term in ORS 759.005 [(2)(c)], except that "local exchange telecommunications service" does not include service provided through or by the use of any equipment, plant or facilities:

(a) For the provision of telecommunications services that pass through or over but are not used to provide service in or do not terminate in an area allocated to another person providing a similar telecommunications service;

(b) For the provision of local exchange telecommunications service, as defined in ORS 759.005 [(2)(c)], commonly known as "private lines" or "farmer lines"; or

(c) For the provision of shared telecommunications service.

**Passed by Senate April 30, 2007**

**Received by Governor:**

**Repassed by Senate June 26, 2007**

.....M.,....., 2007

**Approved:**

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Secretary of Senate

.....M.,....., 2007

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President of Senate

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Governor

**Passed by House June 26, 2007**

**Filed in Office of Secretary of State:**

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Speaker of House

.....M.,....., 2007

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Secretary of State