

HOUSE AMENDMENTS TO HOUSE BILL 2097

By COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND RURAL
COMMUNITIES

April 17

1 Delete lines 12 through 23 of the printed bill and insert:

2 “(3) The commission, upon petition from a telecommunications utility, cooperative corporation
3 or municipality, may exempt the telecommunications utility, cooperative corporation or municipality
4 from the obligations described in this section if the commission finds, for a property with four or
5 more single-family dwellings, that the owner or developer of the property, or a person acting on
6 behalf of the owner or developer:

7 “(a) Permits an alternative service provider to install its facilities or equipment used to provide
8 local telecommunications service based on a condition of exclusion of the telecommunications utility,
9 cooperative corporation or municipality during the construction phase of the real property;

10 “(b) Accepts or agrees to accept incentives or rewards from an alternative service provider that
11 are contingent upon the provision of any or all local telecommunications services by one or more
12 alternative service providers to the exclusion of the telecommunications utility, cooperative corpo-
13 ration or municipality; or

14 “(c) Collects from the occupants or residents of the property mandatory charges for the pro-
15 vision of any local telecommunications service provided to the occupants or residents by an alter-
16 native service provider in any manner, including, but not limited to, collection through rent, fees
17 or dues.

18 “(4) If the commission, upon petition from any interested person located within the property for
19 which the commission has waived the carrier of last resort obligations under subsection (3) of this
20 section, finds that the existing public convenience and necessity requires reinstatement of the car-
21 rier of last resort obligations, then the commission has the power to assign the obligations to a
22 telecommunications utility, cooperative corporation or municipality after a public hearing. The
23 commission shall determine how the costs of serving the customers are allocated so that the tele-
24 communications utility, cooperative corporation or municipality will be allowed an opportunity to
25 recover reasonable and prudent costs that exceed the costs that would have been incurred to ini-
26 tially construct or acquire facilities to serve customers of the territory. The determination of cost
27 allocation by the commission must also divide the costs allowed equitably among all customers of
28 the territory to which service is being reinstated.”.

29