

HOUSE BILL 1698

By McCormick

AN ACT to amend Tennessee Code Annotated, Section
65-5-109, relative to regulation of
telecommunications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Market Regulation Act of 2009."

SECTION 2. Tennessee Code Annotated, Section 65-5-109, is amended to add the following new subsections:

(l) Any incumbent certificated provider of local exchange or intra-state long distance telephone service may, in its sole discretion, elect to operate pursuant to market regulation, by filing notice of its intent to do so with the authority, which shall be effective immediately upon filing.

(m) Upon election of market regulation by a certificated provider, the provider shall be exempt from all authority jurisdiction, including but not limited to state-based regulation of retail pricing or retail operations, except as provided in subsection (n).

(n) A certificated provider electing market regulation shall be subject to the jurisdiction of the authority only when:

(1) The authority is exercising jurisdiction expressly delegated to it pursuant to the federal 1996 Telecommunications Act, in to 47 USC §§ 214, 251 and 252;

(2) The authority is assessing and collecting inspection fees calculated in accordance with § 65-4-303;

(3) The authority is exercising jurisdiction over video franchises pursuant to § 7-59-306;

(4) The authority is exercising jurisdiction respecting underground facilities damage prevention; or

(5) The authority is exercising jurisdiction respecting the Life Line or Link Up programs funded by the federal universal service fund.

SECTION 3. The Tennessee Code Commission is requested to amend the catchline of Tennessee Code Annotated, Section 65-5-109, to read "Price plan regulation and market regulation."

SECTION 4. This act shall take effect immediately upon becoming law, the public welfare requiring it.