

**ADOPTED**

Senators Shafer of the 48th, Mullis of the 53rd, Stoner of the 6th and Henson of the 41st offered the following amendment:

1 *Amend the House amendment (AM 36 0194) to the Senate substitute to HB 168 by striking*  
2 *lines 1 and 2 inserting in lieu thereof the following:*

3 *Amend HB 168 by striking "December 30" on line 66 and inserting in lieu thereof*  
4 *"December 31".*

5 *By striking "rates:" on line 68 and inserting in lieu thereof of "rates."*

6 *By striking lines 69 and 70 and inserting in lieu thereof the following:*

7 The commission shall have authority to govern the transition of Tier 2 local exchange  
8 company switched access rates to their corresponding interstate levels and the commission  
9 shall allow

10 *By striking line 85 and inserting in lieu thereof the following:*

11 December 31, 2010. A Tier 2 local exchange company making this election is prohibited  
12 from making a subsequent election to have the rates, terms, and conditions for its services  
13 determined pursuant to the alternative regulation described in subsection (b) of Code Section  
14 46-5-165 prior to January 1, 2016.

15 *By adding after "rate" on lines 168 and 178 the following:*

16 , in accordance with a schedule established by the commission,

17 *By striking lines 208 and 209 and inserting in lieu thereof the following:*

18 two-way interactive communications for a fee directly to end users. Such term does not  
19 include wireless service as defined in paragraph (3) of Code Section 46-5-221 nor does it  
20 include the obligations of an incumbent local exchange carrier, as defined by 47 U.S.C.  
21 Section

22 *By striking lines 214 and 215 and inserting in lieu thereof the following:*

23 except the provisions of Code Section 46-5-252 and the complaint process set forth in  
24 subsection (a) of the Code Section 46-5-166, the Public Service Commission shall not have  
25 any jurisdiction, right, power,

26 *By striking lines 220 through 223 and inserting in lieu thereof the following:*

27 (1) State laws of general applicability to all businesses, including, without limitation,  
28 consumer protection laws, and laws relating to restraint of trade;

29 (2) Any authority of the Public Service Commission with regard to consumer  
30 complaints; or

31 *By inserting between lines 228 and 229 the following:*

32 (c) Except as otherwise expressly provided in this Code section, nothing in this Code  
33 section shall be construed to restrict or expand any other authority or jurisdiction of the  
34 Public Service Commission.

35 46-5-252.

36 No company providing retail telecommunications service shall impose a separate line item  
37 or surcharge on customers' bills to recover any costs of complying with any state law or  
38 regulations without first submitting to the Public Service Commission the methodology and  
39 data used by such company for approval by the commission; provided, however, that such  
40 a company shall not be required to submit for approval separate line items or surcharges  
41 that are specifically authorized or required by federal or state law. No fines or penalties  
42 imposed by the Public Service Commission shall be considered as a cost of complying with  
43 a state law or regulation or included in any such separate line item or surcharge, or as a  
44 portion thereof."

45 *By striking line 230 and inserting in lieu thereof the following:*

46 This Act shall become effective upon its approval by the Governor or upon its becoming law  
47 without such approval.