

House Bill 855

By: Representatives Hamilton of the 23<sup>rd</sup>, Parsons of the 42<sup>nd</sup>, Martin of the 47<sup>th</sup>, Horne of the 71<sup>st</sup>, Drenner of the 86<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 46-5-167, relating to the Universal Access Fund, so as to establish  
2 a limitation on the duration and amount of certain distributions to be made under the  
3 Universal Access Fund; to provide for legislative intent; to provide a short title; to provide  
4 for related matters; to provide for an effective date; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 It is the intent of the General Assembly to:

- 9 (1) Update and modernize Georgia's telecommunications laws to encourage competition  
10 and bring about lower prices and better services for the consumer;  
11 (2) Make Georgia a more attractive place for telecommunications investment and  
12 encourage the deployment of advanced technologies;  
13 (3) Create and preserve jobs for Georgia workers; and  
14 (4) Reduce the subsidies paid by Georgia consumers.

15 It is not the intent of the General Assembly to impose any fee or other charge on Georgia  
16 consumers.

17 **SECTION 2.**

18 This Act shall be known as and may be cited as the "Telecommunications Fair Competition  
19 and Consumer Protection Act."

20 **SECTION 3.**

21 Code Section 46-5-167, relating to the Universal Access Fund, is amended by revising  
22 subparagraph (d)(2)(B) as follows:

23 "(B) Except for those distributions to Tier 2 local exchange companies that have  
24 reduced intrastate switched access charges pursuant to subsection (c) of Code Section

25 46-5-166, distributions to a Tier 2 local exchange carrier subject to rate of return  
26 regulation shall also be reduced by the amount per access line, which if added to the  
27 carrier's basic local exchange service rate, in accordance with a schedule established by  
28 the commission, results in an amount that would be equal to 110 percent of the July 1,  
29 2009, residential state-wide weighted average rate for basic local exchange services  
30 imputed across all access lines and adjusted annually for inflation measured by the  
31 change in GDP-PI. The commission shall determine any such distributions upon  
32 application, demonstration, and good cause shown that the reasonable actual costs to  
33 provide basic local exchange services exceed the maximum fixed price permitted for  
34 such basic local exchange services; ~~any distributions pursuant to this subparagraph shall~~  
35 ~~be limited to a period of no more than 20 years, provided that the total amount of all~~  
36 such distributions to Tier 2 local exchange carriers subject to rate of return regulation  
37 shall not exceed \$9 million in year 2012, \$6 million in year 2013, and \$3 million in  
38 year 2014. There shall be no distributions from the Universal Access Fund pursuant  
39 to this subparagraph after 2014."

40 **SECTION 4.**

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

43 **SECTION 5.**

44 All laws and parts of laws in conflict with this Act are repealed.