

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1135\*  
Commerce Committee Substitute Adopted 7/29/98

Short Title: Telephone Line Access.

(Public)

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Sponsors:

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Referred to:

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May 13, 1998

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT  
2 LEGISLATIVE UTILITY REVIEW COMMITTEE TO ALLOW SHARED  
3 TENANT PROVIDERS TO OBTAIN LINE ACCESS FROM ANY  
4 CERTIFICATED LOCAL PROVIDER OF TELEPHONE SERVICE AND TO  
5 ALLOW FLAT RATE ACCESS LINES TO PREMISES PROVIDING  
6 ACCOMMODATIONS TO TRANSIENT PATRONS.  
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 62-110(d) reads as rewritten:

10 "(d) The Commission shall be authorized, consistent with the public interest and  
11 notwithstanding any other provision of law, to adopt procedures for the purpose of  
12 allowing shared use and/or resale of any telephone service provided to persons who  
13 occupy the same contiguous premises (as such term shall be defined by the  
14 Commission); provided, however, that there shall be no 'networking' of any services  
15 authorized under this subsection whereby two or more premises where such services are  
16 provided are connected, and provided further that ~~the certificated local exchange telephone~~  
17 ~~company shall be the only provider of any certificated local provider or any other provider~~  
18 authorized by the Commission may provide access lines or trunks connecting such  
19 authorized service to the telephone network, and that the local service rates permitted or  
20 approved by the Commission for local exchange lines or trunks being shared or resold  
21 shall be fully compensatory and on a measured usage basis where facilities are available  
22 or on a message rate basis otherwise. Provided however, the Commission may permit or  
23 approve rates on bases other than measured or message for shared service flat rates,

1 measured rates, message rates, or some combination of those rates for shared or resold  
2 services whenever the service is offered to patrons of hotels or motels, occupants of  
3 timeshare or condominium complexes serving primarily transient occupants, to patrons  
4 of hospitals, nursing homes, rest homes, or licensed retirement centers, or to members  
5 of clubs or students living in quarters furnished by educational institutions, or to persons  
6 temporarily subleasing a residential premise. ~~premises.~~ The Commission shall issue  
7 rules to implement the service authorized by this subsection, considering the  
8 competitive nature of the offerings and, notwithstanding any other provision of law, the  
9 Commission shall determine the extent to which such services shall be regulated and, to  
10 the extent necessary to protect the public interest, regulate the terms, conditions, and  
11 rates charged for such services and the terms and conditions for interconnection to the  
12 local exchange network. The Commission shall require any person offering telephone  
13 service under this subsection by means of a Private Branch Exchange ('PBX') or key  
14 system to secure adequate local exchange trunks from ~~the local exchange telephone~~  
15 ~~company~~ any certificated local provider or any other provider authorized by the  
16 Commission so as to assure a quality of service equal to the quality of service generally  
17 found acceptable by the Commission. Unless otherwise ordered by the Commission for  
18 good cause shown by the company, the right and obligation of the local exchange carrier  
19 certificated local provider or any other provider authorized by the Commission to  
20 provide local service directly to any person located within its certificated service area  
21 shall continue to apply to premises where shared or resold telephone service is  
22 available, provided however, the Commission shall be authorized to establish the terms  
23 and conditions under which such services should be provided."

24 Section 2. G.S. 62-110(e) reads as rewritten:

25 "(e) Notwithstanding subsection (d) of this section, the Commission may  
26 authorize any telephone services provided to a nonprofit college or university, and its  
27 affiliated medical centers, which is qualified under Sections 501 and 170 of the United  
28 States Internal Revenue Code of 1986 or which is a State-owned institution, to be  
29 shared or resold by that institution on both contiguous campus premises owned or  
30 leased by the institution and noncontiguous premises owned or leased exclusively by the  
31 institution, provided these services are offered to students or guests housed in quarters  
32 furnished by the institution, patrons of hospitals or medical centers of the institution, or  
33 persons or businesses providing educational, research, professional, consulting, food, or  
34 other support services directly to or for the institution, its students, or guests. The  
35 services of ~~the certified local exchange telephone company,~~ a certificated local provider or  
36 any other provider authorized by the Commission, when provided to said colleges,  
37 universities, and affiliated medical centers shall be rated in the same way as those  
38 provided for shared service offered to patrons of hospitals, nursing homes, rest homes,  
39 licensed retirement centers, members of clubs or students living in quarters furnished by  
40 educational institutions as provided for in subsection (d) of this section. The institutions  
41 regulated pursuant to this subsection shall not be prohibited from electing optional  
42 services from the ~~certificated local exchange telephone company~~ certificated local provider  
43 or any other provider authorized by the Commission which include measured or  
44 message rate services. There shall be no 'networking' of any services authorized under

1 this subsection whereby two or more different institutions where such services are  
2 provided are interconnected. ~~The certified local exchange telephone company shall be the~~  
3 ~~only provider of~~ Any certificated local provider or any other provider authorized by the  
4 Commission may provide access lines or trunks connecting such authorized services to  
5 the telephone network. The Commission shall require such institutions to secure  
6 adequate local exchange trunks from the ~~certified local exchange telephone company~~  
7 certificated local provider or any other provider authorized by the Commission to assure  
8 a quality of service equal to the quality of service generally found acceptable by the  
9 Commission. Unless otherwise ordered by the Commission for good cause shown by  
10 the ~~certified local exchange telephone company~~, certificated local provider or any other  
11 provider authorized by the Commission, the right and obligation of ~~the local exchange~~  
12 ~~company~~ that provider to provide local service directly to any person located within its  
13 certificated service area shall continue to apply to premises where shared or resold  
14 telephone service is available under this subsection, provided however, the Commission  
15 shall be authorized to establish the terms and conditions under which such service  
16 should be provided. The Commission shall ~~issued~~ issue rules to implement the services  
17 authorized by this subsection."

18 Section 3. This act is effective when it becomes law.