

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1213
Committee Substitute Favorable 5/11/09

Short Title: Amend Broadband Definition/More Competition.

(Public)

Sponsors:

Referred to:

April 8, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE DEFINITION OF BROADBAND SERVICE AND TO
3 PROVIDE THAT THE CONSUMER COMPLAINT PROCEDURE OVERSEEN BY THE
4 PUBLIC STAFF OF THE UTILITIES COMMISSION IS NOT REGULATION UNDER
5 CHAPTER 62.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 62-2(b1) reads as rewritten:

8 "(b1) Broadband service provided by public utilities as defined in G.S. 62-3(23)a.6. is
9 sufficiently competitive and shall not be regulated by the Commission. The complaint
10 procedure provided under G.S. 62-73.1 is not considered regulation under this subsection.
11 Nothing herein shall be construed to (i) modify the authority of any entity to enforce applicable
12 State or federal statutes or regulations relating to switched access rates or other intercarrier
13 compensation rates for interexchange services provided by a local exchange
14 telecommunications company or (ii) modify any authority of the State or a political subdivision
15 thereof with respect to cable services consistent with Title VI of the Communications Act of
16 1934 (47 United States Code Section 521, et seq.) and with Article 42 of Chapter 66 of the
17 General Statutes."

18 **SECTION 2.** G.S. 62-3(1) reads as rewritten:

19 "(1) ~~"Broadband service" means any service that consists of or includes a~~
20 ~~high speed access capability to transmit at a rate of not less than 200 kilobits~~
21 ~~per second in either the upstream or downstream direction and either (i) is~~
22 ~~used to provide access to the Internet, or (ii) provides computer processing,~~
23 ~~information storage, information content, or protocol conversion, including~~
24 ~~any service applications or information service provided over such~~
25 ~~high speed access service. shall have the same definition as the most current~~
26 ~~definition adopted by the Federal Communications Commission (FCC) in its~~
27 ~~rules and regulations. Unless otherwise defined by the FCC, "broadband~~
28 ~~service" shall not include any service that enables the end user to send or~~
29 ~~receive communications in Internet protocol or a successor protocol~~
30 ~~including, but not limited to, Voice-over-Internet protocol. "Broadband~~
31 ~~service" does not include intrastate service that was tariffed by the~~
32 ~~Commission and in effect as of the effective date of this subdivision. For the~~
33 ~~purposes of Chapter 105 of the General Statutes and Article 42 of Chapter~~
34 ~~66 of the General Statutes, "broadband service" does not include any cable~~
35 ~~service or video programming that is sent or received in Internet protocol or~~
36 ~~a successor protocol or any other transmission mode."~~

37 **SECTION 3.** This act is effective when it becomes law.



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