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LEGISLATURE OF THE STATE OF IDAHO  
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1 AN ACT  
2 RELATING TO TELECOMMUNICATIONS; AMENDING SECTION 61-121, IDAHO CODE, TO RE-  
3 VISE THE DEFINITION OF "TELEPHONE CORPORATION" AND "TELECOMMUNICATION  
4 SERVICE" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 62-603,  
5 IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS;  
6 AMENDING CHAPTER 6, TITLE 62, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
7 TION 62-618A, IDAHO CODE, TO CLARIFY THAT NO STATE GOVERNMENT ENTITY  
8 OR POLITICAL SUBDIVISION SHALL REGULATE VOIP AND IP-ENABLED SERVICES  
9 WITH EXCEPTIONS; AND AMENDING SECTIONS 18-6609, 26-2239, 61-1302 AND  
10 62-609, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AMENDING SECTION  
11 62-610, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE UNIVERSAL SER-  
12 VICE FUND.

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Section 61-121, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 61-121. TELEPHONE CORPORATION -- TELECOMMUNICATION SERVICES. (1) The  
17 term "telephone corporation" when used in title 61, Idaho Code, means every  
18 corporation or person, their lessees, trustees, receivers or trustees ap-  
19 pointed by any court whatsoever, providing telecommunication services for  
20 compensation within this state. Except as otherwise provided by statute,  
21 telephone corporations providing : (a) radio paging, mobile radio telecom-  
22 munication services, answering services, ~~(including computerized or other-~~  
23 wise automated answering or voice message services)~~, or;~~ (b) one-way trans-  
24 mission to subscribers of: (i) video programming~~;~~ or (ii) other program-  
25 ming service ~~and subscriber interaction, if any, which is required for the~~  
26 selection of such video programming or other programming service or survey-  
27 ing; or (c) voice over internet protocol service or internet protocol-en-  
28 abled service are exempt from any requirement of title 61, or chapter 6, ti-  
29 tle 62, Idaho Code, in the provision of such services.

30 (2) "Telecommunication service" means the transmission of two-way in-  
31 teractive switched signs, signals, writing, images, sounds, messages, data,  
32 or other information of any nature by wire, radio, lightwaves, or other elec-  
33 tromagnetic means ~~(which that~~ includes message telecommunication service  
34 and access service~~), which originate and terminate in this state, and are~~  
35 offered to or for the public, or some portion thereof, for compensation. Ex-  
36 cept as otherwise provided by statute, "telecommunication service" does not  
37 include: (a) the one-way transmission to subscribers of: (i) video program-  
38 ming~~;~~ or (ii) other programming service ~~and subscriber interaction, if~~  
39 any, which is required for the selection of such video programming or other  
40 programming service ~~or surveying~~, or;~~ (b) the provision of radio paging,~~  
41 mobile radio telecommunication services, answering services, ~~(including~~  
42 computerized or otherwise automated answering or voice message services)~~;~~

1 or (c) voice over internet protocol service or internet protocol-enabled  
2 service, and such services shall not be subject to the provisions of title  
3 61, Idaho Code, or title 62, Idaho Code.

4 SECTION 2. That Section 62-603, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6 62-603. DEFINITIONS. As used in this chapter:

7 (1) "Basic local exchange service" means the provision of access lines  
8 to residential and small business customers with the associated transmis-  
9 sion of two-way interactive switched voice communication within a local ex-  
10 change calling area.

11 (2) "Basic local exchange rate" shall mean the monthly charge imposed  
12 by a telephone corporation for basic local exchange service, but shall not  
13 include any charges resulting from action by a federal agency or taxes or  
14 surcharges imposed by a governmental body which are separately itemized and  
15 billed by a telephone corporation to its customers.

16 (3) "Chapter" as used herein shall mean chapter 6, title 62, Idaho Code.

17 (4) "Commission" means the Idaho public utilities commission.

18 (5) "Facilities-based competitor" means a local exchange carrier that  
19 offers basic local exchange service either: (a) exclusively over its own  
20 telecommunications service facilities; or (b) predominantly over its own  
21 facilities in combination with the resale of telecommunications services of  
22 another carrier.

23 (6) "Incumbent telephone corporation" means a telephone corporation or  
24 its successor which was providing basic local exchange service on or before  
25 February 8, 1996.

26 (7) "Internet protocol-enabled service" or "IP-enabled service"  
27 means, except as provided in the definition of "voice over internet proto-  
28 col service" herein, any service capability, functionality, or application  
29 provided using internet protocol or any successor protocol, that enables an  
30 end user to send or receive a communication in internet protocol format or  
31 any successor format regardless of whether the communication is voice, data  
32 or video.

33 (8) "Local exchange calling area" means a geographic area encompass-  
34 ing one (1) or more local communities as described in maps, tariffs, rate  
35 schedules, price lists, or other descriptive material filed with the com-  
36 mission by a telephone corporation, within which area basic local exchange  
37 rates rather than message telecommunication service rates apply.

38 (9) "Message telecommunication service" (MTS) means the transmis-  
39 sion of two-way interactive switched voice communication between local ex-  
40 change calling areas for which charges are made on a per-unit basis, not in-  
41 cluding wide area telecommunications service (WATS), or its equivalent, or  
42 individually negotiated contracts for telecommunication services.

43 (10) "Residential customers" shall mean persons to whom telecommuni-  
44 cation services are furnished at a dwelling and which are used for personal  
45 or domestic purposes and not for business, professional or institutional  
46 purposes.

47 (11) "Rural telephone company" means a local exchange carrier operat-  
48 ing entity to the extent that the entity:

1 (a) Provides common carrier service to any local exchange carrier study  
2 area that does not include either:

3 (i) ~~a~~Any incorporated place of ten thousand (10,000) inhabitants  
4 or more, or any part thereof, based on the most recently available  
5 population statistics of the bureau of the census; or

6 (ii) ~~a~~Any territory, incorporated or unincorporated, included in  
7 an urbanized area, as defined by the bureau of the census as of Au-  
8 gust 10, 1993;

9 (b) Provides telephone exchange service, including exchange access, to  
10 fewer than fifty thousand (50,000) access lines;

11 (c) Provides telephone exchange service to any local exchange carrier  
12 study area with fewer than one hundred thousand (100,000) access lines;  
13 or

14 (d) Has less than fifteen percent (15%) of its access lines in communi-  
15 ties of more than fifty thousand (50,000) on the date of enactment of the  
16 federal telecommunications act of 1996.

17 (112) "Small business customers" shall mean a business entity, whether  
18 an individual, partnership, corporation or any other business form, to whom  
19 telecommunication services are furnished for occupational, professional or  
20 institutional purposes, and which business entity does not subscribe to more  
21 than five (5) access lines which are billed to a single billing location.

22 (123) "Telecommunications act of 1996" means the federal telecommuni-  
23 cations act of 1996, ~~p~~Public ~~L~~aw ~~n~~No. 104-104 as enacted effective February  
24 8, 1996.

25 (134) "Telecommunication service" means the transmission of two-way  
26 interactive switched signs, signals, writing, images, sounds, messages,  
27 data, or other information of any nature by wire, radio, lightwaves, or other  
28 electromagnetic means ~~(which that includes message telecommunication ser-~~  
29 ~~vice and access service)~~, which originate and terminate in this state, and  
30 are offered to or for the public, or some portion thereof, for compensation.  
31 Except as otherwise provided by statute, "telecommunication service" does  
32 not include: (a) the one-way transmission to subscribers of: (i) video  
33 programming~~;~~; or (ii) other programming service, and subscriber interac-  
34 tion, if any, which is required for the selection of such video programming  
35 or other programming service~~,~~ or surveying~~;~~ ~~or~~; (b) the provision of ra-  
36 dio paging, mobile radio telecommunication services, answering services,  
37 (including computerized or otherwise automated answering or voice message  
38 services)~~;~~; or (c) voice over internet protocol service or internet proto-  
39 col-enabled service and such services shall not be subject to the provisions  
40 of title 61, Idaho Code, or title 62, Idaho Code.

41 (145) "Telephone corporation" means every corporation or person, their  
42 lessees, trustees, receivers or trustees appointed by any court whatso-  
43 ever, providing telecommunication services for compensation within this  
44 state, provided that municipal, cooperative, or mutual nonprofit telephone  
45 companies shall be included in this definition only for the purposes of  
46 sections 62-610 and 62-617 through 62-620, Idaho Code. Except as otherwise  
47 provided by statute, telephone corporations providing: (a) radio paging,  
48 mobile radio telecommunications services, answering services, ~~(including~~  
49 ~~computerized or otherwise automated answering or voice message services)~~;~~~~  
50 ~~or~~; (b) one-way transmission to subscribers of: (i) video programming~~;~~ or

1 (ii) other programming service, and subscriber interaction, if any, which  
2 is required for the selection of such video programming or other programming  
3 service or surveying; or (c) voice over internet protocol service or inter-  
4 net protocol-enabled service are exempt from any requirement of this chapter  
5 or title 61, Idaho Code, in the provision of such services; provided, that  
6 the providers of these exempted services shall have the benefits given them  
7 under section 62-608, Idaho Code.

8 (16) "Voice over internet protocol service" or "VoIP service" means an  
9 internet protocol-enabled service that facilitates real time, two-way voice  
10 communication that originates from, or terminates at, a user's location and  
11 permits the user to receive a call that originates from the public switched  
12 telephone network and terminates a call on the public switched telephone  
13 network.

14 SECTION 3. That Chapter 6, Title 62, Idaho Code, be, and the same is  
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
16 ignated as Section 62-618A, Idaho Code, and to read as follows:

17 62-618A. VOIP AND IP-ENABLED SERVICES. No department, agency, commis-  
18 sion or political subdivision of the state shall enact, adopt or enforce,  
19 either directly or indirectly, any law, rule, regulation, ordinance, stan-  
20 dard, order or other provision having the force or effect of law that regu-  
21 lates or has the effect of regulating the entry, rates, terms or conditions  
22 of VoIP service or IP-enabled service. Nothing in this title, or title 61,  
23 Idaho Code, shall be construed to:

24 (1) Exempt VoIP service or IP-enabled service from the Idaho consumer  
25 protection act, chapter 6, title 48, Idaho Code, or affect the attorney gen-  
26 eral's authority to apply and enforce that chapter; or

27 (3) Modify or affect any entity's obligations or rights or commission  
28 authority under sections 251 and 252 of the federal communications act of  
29 1934, 47 U.S.C. section 251 or 47 U.S.C. section 252, or commission jurisdic-  
30 tion over intrastate switched access rates or affect the resolution of dis-  
31 putes regarding intercarrier compensation.

32 (4) To the extent that the Idaho video service act, chapter 30, title  
33 50, Idaho Code, is applicable to video services provided using internet pro-  
34 tocol-enabled service or IP-enabled service, this act shall not be construed  
35 to affect the continued applicability of the Idaho video service act to the  
36 provision of such video services.

37 (5) Unless otherwise prohibited by a specific statute, providers of  
38 VoIP service shall be subject to, and shall pay, on a competitively neutral  
39 basis with all other providers of voice communications services, the fol-  
40 lowing fees and surcharges imposed by state or local government on voice  
41 communications services:

42 (a) emergency communications fees pursuant to the provisions of chap-  
43 ter 48, title 31, Idaho Code;

44 (b) telecommunications relay services fees pursuant to the provisions  
45 of chapter 13, title 61, Idaho Code;

46 (c) telecommunications service assistance program fees pursuant to  
47 chapter 9, title 56, Idaho Code; and

1 (d) state universal service fund fees pursuant to chapter 6, title 62,  
2 Idaho Code, and in accordance with any requirements under federal law.  
3 Provided, nothing herein shall be construed as providing state and local  
4 governments jurisdiction over VoIP service beyond the collection of fees and  
5 surcharges as specified in this section.

6 SECTION 4. That Section 18-6609, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 18-6609. CRIME OF VIDEO VOYEURISM. (1) As used in this section:

9 (a) "Broadcast" means the electronic transmittal of a visual image with  
10 the intent that it be viewed by a person or persons.

11 (b) "Disseminate" means to make available by any means to any person.

12 (c) "Imaging device" means any instrument capable of recording, stor-  
13 ing, viewing or transmitting visual images.

14 (d) "Intimate areas" means the buttocks, genitals or genital areas of  
15 males or females, and the breast area of females.

16 (e) "Person" means any natural person, corporation, partnership, firm,  
17 association, joint venture or any other recognized legal entity or any  
18 agent or servant thereof.

19 (f) "Place where a person has a reasonable expectation of privacy"  
20 means:

21 (i) A place where a reasonable person would believe that he could  
22 undress, be undressed or engage in sexual activity in privacy,  
23 without concern that he is being viewed, photographed, filmed or  
24 otherwise recorded by an imaging device; or

25 (ii) A place where a person might reasonably expect to be safe from  
26 casual or hostile surveillance by an imaging device; or

27 (iii) Any public place where a person, by taking reasonable  
28 steps to conceal intimate areas, should be free from the viewing,  
29 recording, storing or transmitting of images obtained by imaging  
30 devices designed to overcome the barriers created by a person's  
31 covering of intimate areas.

32 (g) "Publish" means to:

33 (i) Disseminate with the intent that such image or images be made  
34 available by any means to any person; or

35 (ii) Disseminate with the intent that such images be sold by an-  
36 other person; or

37 (iii) Post, present, display, exhibit, circulate, advertise or  
38 allow access by any means so as to make an image or images available  
39 to the public; or

40 (iv) Disseminate with the intent that an image or images be  
41 posted, presented, displayed, exhibited, circulated, advertised  
42 or made accessible by any means and to make such image or images  
43 available to the public.

44 (h) "Sell" means to disseminate to another person, or to publish, in ex-  
45 change for something of value.

46 (2) A person is guilty of video voyeurism when:

47 (a) With the intent of arousing, appealing to or gratifying the lust  
48 or passions or sexual desires of such person or another person, or for

1 his own or another person's lascivious entertainment or satisfaction of  
2 prurient interest, or for the purpose of sexually degrading or abusing  
3 any other person, he uses, installs or permits the use or installation  
4 of an imaging device at a place where a person would have a reasonable  
5 expectation of privacy, without the knowledge or consent of the person  
6 using such place; or

7 (b) He either intentionally or with reckless disregard disseminates,  
8 publishes or sells or conspires to disseminate, publish or sell any im-  
9 age or images of the intimate areas of another person or persons without  
10 the consent of such other person or persons and he knows or reasonably  
11 should have known that one (1) or both parties agreed or understood that  
12 the images should remain private.

13 (3) A violation of this section is a felony.

14 (4) This section does not apply to an interactive computer service, as  
15 defined in 47 U.S.C. section 230(f)(2), an information service, as defined  
16 in 47 U.S.C. section 153 or a telecommunication service, as defined in sec-  
17 tion 61-121(2) or 62-603(134), Idaho Code, for content provided by another  
18 person, unless the provider intentionally aids or abets video voyeurism.

19 SECTION 5. That Section 26-2239, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 26-2239. EXEMPTIONS. The provisions of this act shall not apply to the  
22 following:

23 (1) Persons licensed to practice law in this state, to the extent that  
24 they are retained by their clients to engage in activities authorized by this  
25 act, and such activities are incidental to the practice of law. Such exemp-  
26 tion shall not apply to an attorney engaged in a separate business conducting  
27 the activities authorized by this act;

28 (2) Any regulated lender as defined in section 28-41-301, Idaho Code,  
29 and its subsidiary, affiliate or agent, to the extent that the regulated  
30 lender, subsidiary, affiliate or agent collects for the regulated lender or  
31 engages in acts governed by this act which are incidental to the business of  
32 a regulated lender;

33 (3) Any bank, trust company, credit union, insurance company or indus-  
34 trial loan company authorized to do business in this state;

35 (4) Any federal, state or local governmental agency or instrumental-  
36 ity;

37 (5) Any real estate broker or real estate salesman licensed under the  
38 laws of and residing within this state while engaged in acts authorized by  
39 his real estate license;

40 (6) Any person authorized to engage in escrow business in this state  
41 while engaged in authorized escrow business;

42 (7) Any mortgage company engaged in the regular business of a mortgage  
43 company as defined in section 26-2802, Idaho Code, except a mortgage company  
44 engaged in a separate business conducting the activities authorized by this  
45 act;

46 (8) Any court-appointed trustee, receiver or conservator;

47 (9) Any telephone corporation as defined in subsection (145) of sec-  
48 tion 62-603, Idaho Code, whose initial request for payment on behalf of such

1 telephone corporation or on behalf of another person is made by the tele-  
2 phone corporation as a part of regular telecommunications billings to its  
3 customers and at a time before the account, bill, claim or other indebtedness  
4 becomes past due or delinquent;

5 (10) Any person while acting as a debt collector for another person,  
6 both of whom are related by common ownership or affiliated by corporate  
7 control, if the person acting as a debt collector does so only for persons  
8 to whom he is so related or affiliated and if the principal business of such  
9 person is not the collection of debts.

10 SECTION 6. That Section 61-1302, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 61-1302. DEFINITIONS. In this chapter:

13 (1) "Administrator" means the person with whom the Idaho public utili-  
14 ties commission contracts to administer the program for delivery of telecom-  
15 munications relay services.

16 (2) "Commission" means the Idaho public utilities commission.

17 (3) "Communications impaired" mean individuals who are hearing-im-  
18 paired or speech-impaired as defined in title IV, section 401, Americans  
19 with disabilities act of 1990, public law 101-336, 104 stat. 327, 336-69 (47  
20 U.S.C. section 225) or regulations promulgated pursuant thereto.

21 (4) "Local exchange company" means a telephone corporation which pro-  
22 vides access lines to residential and business customers with the associ-  
23 ated transmission of two (2) way interactive switched voice communication  
24 within a geographic area where basic local exchange rates rather than mes-  
25 sage telecommunications service rates apply.

26 (5) "Message telecommunications service" shall have the meaning pre-  
27 scribed in section 62-603(~~69~~), Idaho Code.

28 (6) "Program" means the effort directed by the administrator pursuant  
29 to this chapter to establish and operate an Idaho system to provide telecom-  
30 munications relay services.

31 (7) "Telephone corporation" shall have the meaning prescribed in sec-  
32 tion 62-603(~~105~~), Idaho Code.

33 (8) "Telecommunications relay services (TRS)" mean services through  
34 which a communications impaired person, using specialized telecommunica-  
35 tions equipment, may send and receive messages to and from a noncommuni-  
36 cations impaired person whose telephone is not equipped with specialized  
37 telecommunications equipment and through which a noncommunications im-  
38 paired person may, by using voice communication, send and receive messages  
39 to and from a communications impaired person.

40 SECTION 7. That Section 62-609, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 62-609. IMPUTED AND NONDISCRIMINATORY ACCESS CHARGES -- COMMISSION  
43 AUTHORITY. (1) A telephone corporation, which provides basic local exchange  
44 service, and which also provides message telecommunications service shall  
45 impute to itself its prices of special access or private line access and  
46 switched access for the use of essential facilities used in the provision of

1 message telecommunications service, special access or private line access  
2 services and WATS service or their equivalents. Such imputation shall be in  
3 the aggregate on a service by service basis. All other providers of message  
4 telecommunications service, special access or private line access services  
5 and WATS service or their equivalents shall impute to themselves, in the  
6 aggregate on a service by service basis, their individual cost of special or  
7 switched access or its equivalent in their pricing.

8 The commission shall define in an appropriate proceeding what are es-  
9 sential facilities for the purpose of this subsection and shall resolve any  
10 dispute which may arise under this subsection.

11 (2) Telecommunication services which are subject to the provisions  
12 of this chapter and which services utilize special or switched access,  
13 shall be made available by the telephone corporation for resale. No tele-  
14 phone corporation shall, as to its prices or charges for or the provision of  
15 such services, make or grant any preference or advantage to any telephone  
16 corporation or to a provider of services exempted from regulation under sec-  
17 tion 62-603(134), Idaho Code, or subject any telephone corporation or any  
18 provider of services exempted from regulation under section 62-603(134),  
19 Idaho Code, to any prejudice or competitive disadvantage with respect to its  
20 prices or charges for providing access to its local exchange network nor es-  
21 tablish or maintain any unreasonable difference as to its prices or charges  
22 for access to its local exchange network.

23 (3) Notwithstanding the provisions of section 62-614, Idaho Code, if,  
24 after negotiation, a dispute under this section exists between or among  
25 telephone corporations or between or among telephone corporation(s) and  
26 provider(s) of services exempted from regulation under section 62-603(134),  
27 Idaho Code, such dispute shall be determined by the commission upon petition  
28 of any affected telephone corporation or provider(s) of services exempted  
29 from regulation under section 62-603(134), Idaho Code.

30 Information disclosed to the commission for resolution of disputes un-  
31 der this section shall be provided by the telephone corporations with appro-  
32 priate safeguards for the protection of business or trade secrets.

33 SECTION 8. That Section 62-610, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 62-610. UNIVERSAL SERVICE FUND. (1) The commission shall establish a  
36 universal service fund (USF) for the purpose of maintaining the universal  
37 availability of local exchange service and VoIP service at reasonable rates  
38 ~~and to promote the availability of message telecommunications service (MTS)~~  
39 ~~at reasonably comparable prices throughout the state of Idaho.~~

40 (2) The USF shall be funded by imposing a statewide end user surcharge  
41 on local exchange service, VoIP service, and MTS and WATS type services.

42 (a) The local exchange surcharge shall be a cents per line charge  
43 with a business-residential differential equal to the statewide av-  
44 erage business-residential price ratio. Providers of local exchange  
45 service shall remit the local exchange surcharge revenues to the fund  
46 administrator on a monthly basis, unless less frequent remittances are  
47 authorized by order or rule of the commission.



1 (b) The MTS and WATS surcharge shall be recovered on a percentage basis  
2 through a surcharge applied to the monthly bill of each end user or by a  
3 cents per minute charge applied to the bills of all end users. Providers  
4 of MTS or WATS services shall remit the revenues derived from such sur-  
5 charge to the fund administrator on a monthly basis, unless less fre-  
6 quent remittances are authorized by order or rule of the commission.

7 (c) The surcharges set forth in paragraphs (a) and (b) of this subsec-  
8 tion shall be collected by all telephone corporations, including tele-  
9 phone corporations subject to the provisions of this chapter and mutual  
10 nonprofit and cooperative telephone corporations, providing the ser-  
11 vices upon which the surcharge is levied.

12 (3) Eligible telecommunications carriers that provide local exchange  
13 services, exchange and access service or VoIP service for MTS/WATS providers  
14 and that have rates for these respective services that meet both of the fol-  
15 lowing criteria shall be eligible for distributions from the USF:

16 ~~(a) The eligible telecommunications carrier's basic monthly average~~  
17 ~~residence and business local exchange service rates for its predom-~~  
18 ~~inant residential and business local exchanges services or for VoIP~~  
19 ~~service one-party single line service are in excess of one hundred and~~  
20 ~~twenty-five percent (125%) of the weighted statewide average rates for~~  
21 ~~residence and business local exchange service rates for one-party sin-~~  
22 ~~gle line service respectively, and for such intrastate residential and~~  
23 ~~business voice service.~~

24 ~~(b) The eligible telecommunications carrier's average per minute~~  
25 ~~charge for MTS/WATS access services it provides is in excess of one hun-~~  
26 ~~dred percent (100%) of the weighted statewide average for the same or~~  
27 ~~similar MTS/WATS access services.~~

28 (4) Distributions from the fund shall be available to the individual  
29 eligible telecommunications carrier in Idaho providing basic local exchange  
30 service or intrastate VoIP service to meet residual revenue requirements  
31 remaining after deducting the revenue generated by all intrastate telecom-  
32 munication services, including any revenues generated by intrastate VoIP  
33 service, including any intrastate cost recovery provided by federal access  
34 and universal service mechanisms, and any other applicable federal support  
35 mechanisms from the eligible telecommunications carrier's total intrastate  
36 telecommunication service revenue requirement as determined by the commis-  
37 sion, ~~including local exchange priced at one hundred twenty-five percent~~  
38 ~~(125%) or more of the weighted statewide average and MTS/WATS access ser-~~  
39 ~~vices priced at one hundred percent (100%) or more of the statewide average~~  
40 ~~and contributions from the federal universal service fund. The commission~~  
41 ~~shall provide, by order, for not less than seventy-five percent (75%) nor~~  
42 ~~more than one hundred percent (100%) of the residual revenue requirement~~  
43 ~~of the individual eligible telecommunications carrier to be funded by the~~  
44 ~~universal service fund. The commission shall retain its authority to ap-~~  
45 ~~prove rate design consistent with this subsection, but notwithstanding~~  
46 ~~such authority, the commission shall supply full funding for any commission~~  
47 ~~determined revenue requirement. Distributions from the fund shall be made~~  
48 ~~monthly.~~

49 (5) On application for support from the universal service fund by an el-  
50 igible telecommunications carrier that provides some or all of its services

1 through voice over internet protocol, the commission shall have the author-  
2 ity to examine or to conduct a proceeding to examine the books and records of  
3 the eligible telecommunications carrier to determine the reasonableness of  
4 its rates and charges and costs incurred.

5 (56) The commission shall:

6 (a) Adopt rules for the implementation and administration of the uni-  
7 versal service fund established in this section;

8 (b) Determine which telephone corporations meet the eligibility stan-  
9 dards;

10 (c) Provide for the receipt and collection of the surcharge for the uni-  
11 versal service fund; ~~and~~

12 (d) Provide for the administration and distribution of the fund to eli-  
13 gible telecommunications carriers in a manner determined by the commis-  
14 sion.

15 (67) "Local Exchange Service," as used in section 62-610, Idaho Code,  
16 means the provision of access lines to customers with the associated trans-  
17 mission of two-way interactive switched voice communication within a local  
18 exchange area.

**DRAFT**

DRMPN370

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1 TELECOMMUNICATIONS - Amends and adds to existing law to provide that the In-  
2 ternet and all of its applications are regulated at the federal level and to  
3 prohibit the state or political subdivisions from regulating certain Inter-  
4 net services with exceptions.