

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1213  
PROPOSED COMMITTEE SUBSTITUTE H1213-PCS10958-RV-34

Short Title: Amend Broadband Definition/More Competition.

(Public)

Sponsors:

Referred to:

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF BROADBAND SERVICE AND TO PROVIDE THAT THE CONSUMER COMPLAINT PROCEDURE OVERSEEN BY THE PUBLIC STAFF OF THE UTILITIES COMMISSION IS NOT REGULATION UNDER CHAPTER 62.

The General Assembly of North Carolina enacts:

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

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

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

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



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1                    service or video programming that is sent or received in Internet protocol or  
2                    a successor protocol or any other transmission mode."  
3                    **SECTION 3.** This act is effective when it becomes law.