

Introduced by

Senators Grindberg, Laffen, Mathern

Representatives Heilman, Keiser, Thoreson

1 A BILL for an Act to create and enact two new subsections to section 49-21-01 and a new
2 section to chapter 49-21 of the North Dakota Century Code, relating to voice over internet
3 protocol service and the jurisdiction of the public service commission.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 49-21 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Voice over internet protocol service.**

- 8 1. Notwithstanding any other law, a state entity or political subdivision of the state may
9 not by rule, order, or other means directly or indirectly regulate the entry, rates, terms,
10 or conditions for internet protocol-enabled or voice over internet protocol service.
- 11 2. Voice over internet protocol service is subject to the following:
- 12 a. Any required assessments under any state high-cost universal service fund. If a
13 service provider voluntarily chooses to participate in any future state high-cost
14 universal service fund, then that supported voice over internet protocol service is
15 subject to all laws and rules governing the receipt of these funds.
- 16 b. Any required assessment of 911 or E911 fees.
- 17 c. Any required surcharge under section 54-44.8-08.
- 18 3. Nothing in this section affects or modifies:
- 19 a. Any applicable wholesale tariff or any commission authority to implement or
20 enforce any rights, duties, or obligations of any party related to wholesale
21 services;
- 22 b. Any entity's obligations or rights or commission authority under sections 251 and
23 252 of the Federal Communications Act of 1934 [47 U.S.C. 251 and 252];

- 1 c. Any existing commission jurisdiction over intrastate switched access rates, terms
2 and conditions, including the implementation of federal law with respect to
3 intercarrier compensation or existing commission authority to address or affect
4 the resolution of disputes regarding intercarrier compensation;
5 d. Any obligation for the provision of video or cable service by any entity under
6 applicable law;
7 e. Any commission jurisdiction or authority to address federal high-cost fund or
8 federal universal service fund issues;
9 f. Any obligation to offer essential telecommunications services; and
10 g. Authority to enforce criminal or civil laws, including consumer protection and
11 unfair or deceptive trade practice laws, that apply generally to the conduct of
12 business.

13 **SECTION 2.** A new subsection to section 49-21-01 of the North Dakota Century Code is
14 created and enacted as follows:

15 "Internet protocol-enabled service" means any service, capability, functionality, or
16 application that uses internet protocol or any successor protocol and enables an end
17 user to send or receive voice, data, or video communication in internet protocol format
18 or a successor format.

19 **SECTION 3.** A new subsection to section 49-21-01 of the North Dakota Century Code is
20 created and enacted as follows:

21 "Voice over internet protocol service" means any service that enables real time,
22 two-way voice communication originating from or terminating at the user's location in
23 internet protocol or a successor protocol, utilizes a broadband connection at the user's
24 location, and permits a user to receive a call that originates on the public switched
25 telephone network and to terminate a call to the public switched telephone network