IN THE HOUSE OF REPRESENTATIVES

M. ______ introduced the following bill; which was referred to the Committee on ____________________________

A BILL

To [purpose to be supplied].

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "_______ Act of 2006".

(b) Table of Contents.—

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL CABLE FRANCHISING

Sec. 102. Definition.

TITLE II—ENFORCEMENT OF BROADBAND POLICY STATEMENT

Sec. 201. Enforcement of broadband policy statement.

TITLE III—VOIP/911

Sec. 301. Emergency services, interconnection.
TITHE IV—MUNICIPAL PROVISION OF SERVICES

Sec. 401. Government authority to provide services.

1 TITHE I—NATIONAL CABLE FRANCHISING

2 SEC. 101. NATIONAL CABLE FRANCHISING.

3 (a) Amendment.—Part III of title VI of the Com-
4 munications Act of 1934 (47 U.S.C. 541 et seq.) is
5 amended by adding at the end the following new section:

6 “SEC. 630. NATIONAL CABLE FRANCHISING.

7 “(a) NATIONAL FRANCHISES.—

8 ““(1) ELECTION.—A cable operator that is eligi-
9 ble under subsection (d) may elect to obtain a na-
10 tional franchise under this section for a franchise
11 area in lieu of a franchise for a franchise area under
12 section 621. A cable operator may not provide cable
13 service in a franchise area without a franchise under
14 either this section or section 621. A franchising au-
15 thority may not require any cable operator that has
16 a national franchise under this section in effect with
17 respect to the franchise area of that franchising au-
18 thority to obtain a franchise under section 621 or
19 any other law.

20 ““(2) CERTIFICATION.—To obtain a national
21 franchise under this section as authority to provide
22 cable service in any franchise area, a person or
23 group shall—
“(A) file with the Commission a certification for a national franchise containing the information required by paragraph (3) with respect to such franchise area, if such person or group has not previously obtained a national franchise; or

“(B) file with the Commission a subsequent certification for additional franchise areas containing the information required by paragraph (3) with respect to such additional franchise areas, if such operator has previously obtained a national franchise.

“(3) CONTENTS OF CERTIFICATION.—Such certification shall be in such form as the Commission shall require by regulation and shall contain—

“(A) with respect to the cable operator, a statement of—

“(i) the name under which the operator is doing or intends to do business;

“(ii) the names and business addresses of the directors and principal executive officers, or the persons performing similar functions, of the operator;

“(iii) the location of the operator’s principal business office; and
“(iv) the name, business address, electronic mail address, and telephone and fax number of its local agent;

“(B) a declaration by the cable operator that the operator is eligible under subsection (d) to obtain a national franchise under this section;

“(C) a description of the service to be offered by the cable operator under this section, including the franchise areas in which cable service will be offered pursuant to such certification; and

“(D) a declaration that the cable operator transmitted, or will transmit on the day of filing such declaration, a copy of such certification to the franchising authority for each such franchise area.

“(4) LOCAL NOTIFICATION; PRESERVATION OF OPPORTUNITY TO NEGOTIATE.—

“(A) COPY TO LOCAL FRANCHISING AUTHORITY.—On the day of filing any certification under paragraph (2)(A) or (B) for a franchise area, the cable operator shall transmit a copy of such certification to the local franchising authority for such area.
“(B) Negotiated franchise agreements permitted.—Nothing in this section shall prevent a person or group from negotiating a local franchise agreement with a local franchising authority under section 621. Upon entry into any such negotiated franchise agreement, such negotiated franchise agreement shall apply in lieu of any national franchise held by that person or group under this section for such franchise area.

“(5) Updating of certifications.—A cable operator that files a certification under this section shall update any information contained in such certification that is no longer accurate and correct.

“(6) Public availability of certifications.—The Commission shall provide for the public availability on the Commission’s Internet website or other electronic facility of all current certifications and updated information filed under this section.

“(b) Effectiveness; duration.—

“(1) Effectiveness.—A national franchise under this section shall be effective with respect to any franchise area—
“(A) 30 days after the date of the filing of a completed certification under subsection (a)(2)(A) or (B) that applies to such franchise area; or

“(B) in the case of a person or group that is eligible under subsection (d)(2)(B), the later of—

“(i) 30 days after such date of filing; or

“(ii) the date that the person or group’s local franchise under section 621 to provide cable service in such franchise area is no longer in effect.

“(2) DURATION.—

“(A) IN GENERAL.—A franchise under this section that applies to a franchise area shall be effective that franchise area for a term of 10 years.

“(B) RENEWAL.—A franchise under this section for a franchise area shall be renewed automatically upon expiration of the 10 year period described in subparagraph (A).

“(C) REVOCATION.—A franchise under this section for a franchise area may be revoked by the Commission—
“(i) for willful or repeated violation of any Federal or State law, or any Commission regulation, relating to the provision of cable service in such franchise area;

“(ii) for false statements or material omissions knowingly made in any filing with the Commission relating to the provision of cable service in such franchise area;

“(iii) for willful or repeated violation of the rights-of-way management laws or regulations of any franchising authority in such franchise area relating to the provision of cable service in such franchise area; or

“(iv) for willful or repeated violation of the antidiscrimination requirement of subsection (h) with respect to such franchise area.

“(D) REINSTATEMENT.—After a revocation of a franchise for a franchise area of any group or person under subparagraph (C), the Commission may refuse to accept for filing a new certification for authority of such person or group to provide cable service under this section in such franchise area until the Commission de-
termines that the basis of such revocation has been remedied.

“(E) RETURN TO LOCAL FRANCHISING IF CABLE COMPETITION CEASES.—On petition to the Commission by the appropriate franchising authority, a franchise granted to an eligible person or group under subsection (d)(2) for a franchise area shall cease to be effective one year after the filing of the petition if no other cable operator provides cable service in such franchise area during that one year. A cable operator whose national franchise for such franchise area is terminated under this subparagraph may obtain a new franchise under section 621 or this section, if otherwise eligible.

“(F) NOTICE.—The Commission shall send a notice of such revocation to each local franchising authority with jurisdiction over the franchise areas for which the cable operator’s franchise was revoked.

“(c) REQUIREMENTS OF NATIONAL FRANCHISE.—A national franchise shall contain the following requirements:

“(1) FRANCHISE FEE.—A cable operator authorized under this section to provide cable service
in a local franchise area shall pay a franchise fee in accordance with section 622 and the definition of gross revenues in this section.

“(2) PEG/I-NET REQUIREMENTS.—A cable operator authorized under this section to provide cable service in a local franchise area shall comply with the requirements of subsection (e).

“(3) RIGHTS-OF-WAY.—A cable operator authorized under this section to provide cable service in a local franchise area shall comply with the rights-of-way requirements of the franchising authority under subsection (f).

“(4) CONSUMER PROTECTION AND CUSTOMER SERVICE STANDARDS.—A cable operator authorized under this section to provide cable service in a local franchise area shall comply with the consumer protection and customer service standards established by the Commission under section 632(b).

“(d) ELIGIBILITY FOR NATIONAL FRANCHISES.—The following persons or groups are eligible to obtain a national franchise under this section:

“(1) NEW CABLE OPERATORS.—A person or group that commences the provision of cable service in a franchise area on or after the date of enactment of the ____________ Act of 2006 (in this section
referred to as a ‘new cable operator’) may obtain a national franchise under this section for any franchise area.

“(2) Existing providers of cable service.—

“(A) A person or group that is providing cable service in a franchise area on the date of enactment of the Act of 2006 may obtain a national franchise under this section to provide cable service in such franchise area if a new cable operator as described in paragraph (1) is providing cable service in such franchise area under this section.

“(B) A person or group that is providing cable service in a franchise area on the date of enactment of the Act of 2006 may obtain a national franchise under this section to provide cable service in such franchise area when the person or group’s local franchise under section 621 to provide cable service in such franchise area is no longer in effect if—

“(i) such person or group is an incumbent local exchange carrier (as such term is defined in section 251(h)) or its affiliate, and another cable operator that was
providing cable service in such franchise area on the date of enactment of the ____________ Act of 2006 is providing cable service in such franchise area on the date that the national franchise of the person or group becomes effective; or

“(ii) such person or group is not an incumbent local exchange carrier (as such term is defined in section 251(h)) or its affiliate, and such an incumbent local exchange carrier or affiliate that was providing cable service in such franchise area on the date of enactment of the ____________ Act of 2006 is providing cable service in such franchise area on the date that the national franchise of the person or group becomes effective.

“(e) Public, Educational, and Governmental Use.—

“(1) In general.—Subject to paragraph (3), a cable operator obtaining a national franchise for a franchise area under this section shall provide channel capacity for public, educational, and governmental use that is not less than the channel capacity required of the cable operator with the most sub-
scribers in such franchise area on the effective date of such national franchise. If there is no other cable operator in such franchise area on the effective date of such national franchise, the cable operator shall provide the amount of channel capacity for such use as determined by Commission rule.

“(2) PEG AND I–NET FINANCIAL SUPPORT.—A cable operator with a national franchise under this section for a franchise area shall pay an amount equal to 1 percent of the cable operator’s gross revenues (as such term is defined in this section) in the franchise area to the franchising authority for the support of public, educational, and governmental use and institutional networks (as such term is defined in section 611(f)). Such payment shall be assessed and collected in a manner consistent with section 622. A cable operator that previously held a franchise under section 621 and that obtains a national franchise under this section shall continue to provide any institutional network that it was required to provide under such section 621 franchise. Notwithstanding section 621(b)(3)(D), a local franchise authority may not require a cable operator franchised under this section to construct a new institutional network.
“(3) ADJUSTMENT.—Every 10 years after the commencement of a franchise under this section for a franchise area, a franchising authority may require a cable operator franchised under this section to increase the channel capacity designated for public, educational, or governmental use, and the channel capacity designated for such use on any institutional networks required under paragraph (2). Such increase shall not exceed the higher of—

“(A) one channel; or

“(B) 10 percent of the public, educational, or governmental channel capacity required of that operator prior to the increase.

“(4) TRANSMISSION AND PRODUCTION OF PROGRAMMING.—

“(A) A cable operator franchised under this section shall ensure that all subscribers receive any public, educational, or governmental programming carried by the cable operator within the subscriber’s franchise area.

“(B) The production of any programming provided under this subsection shall be the responsibility of the franchising authority.

“(C) The cable operator shall be responsible for the transmission from the signal origi-
nation point (or points) of the programming, or from the point of interconnection with another cable operator under subparagraph (D), to the cable operator’s subscribers, of any public, educational, or governmental programming produced by or for the franchising authority and carried by the cable operator pursuant to this section.

“(D) Unless two cable operators otherwise agree to the terms for interconnection and cost sharing, such cable operators shall comply with regulations prescribed by the Commission providing for—

“(i) the interconnection between two cable operators in a franchise area for transmission of public, educational, or governmental programming, without material deterioration in signal quality or functionality; and

“(ii) the reasonable allocation of the costs of such interconnection between such cable operators.

“(E) The cable operator shall display the program information for public, educational, or governmental programming in any print or elec-
tronic program guide in the same manner in which it displays program information for other video programming in the franchise area. The cable operator shall not omit public, educational, or governmental programming from any navigational device, guide, or menu containing other video programming that is available to subscribers in the franchise area.

“(f) RIGHTS-OF-WAY.—

“(1) AUTHORITY TO USE.—Any franchise under this section for a franchise area shall be construed to authorize the construction of a cable system over public rights-of-way, and through easements, which is within the area to be served by the cable system and which have been dedicated for compatible uses, except that in using such easements the cable operator shall ensure that—

“(A) the safety, functioning, and appearance of the property and the convenience and the safety of other persons not be adversely affected by the installation or construction of facilities necessary for a cable system;

“(B) the cost of the installation, construction, operation, or removal of such facilities be
borne by the cable operator or subscriber, or a
combination of both; and

“(C) the owner of the property be justly
compensated by the cable operator for any dam-
ages caused by the installation, construction,
operation, or removal of such facilities by the
cable operator.

“(2) MANAGEMENT OF PUBLIC RIGHTS-OF-
WAY.—Nothing in this Act affects the authority of
a State or local government (including a franchising
authority) to manage the public rights-of-way, and
easements that have been dedicated for compatible
uses, on a reasonable, competitively neutral, and
non-discriminatory basis. A State or local govern-
ment (including a franchising authority) may, on a
reasonable, competitively neutral, and non-discrimi-
natory basis—

“(A) impose charges for such management;
and

“(B) require compliance with paragraphs
(1)(A), (B), and (C).

“(g) CONSUMER PROTECTION AND CUSTOMER SERV-
ICE.—

“(1) NATIONAL STANDARDS.—Notwithstanding
section 632(d), no State or local law (including any
(2) PROCEDING.—Within 120 days of enactment of the Act of 2006, the Commission shall issue a report and order that updates for cable operators franchised under this section the national consumer protection and customer service rules under section 632(b), taking into consideration the national nature of a franchise under this section and the role of State and local governments in enforcing, but not creating, consumer protection and customer service standards for cable operators franchised under this section.

(3) COMPLAINTS.—Any person may file a complaint with respect to a violation of the regulations prescribed under section 632(b) in a local franchise area by a cable operator franchised under this section—

(A) with the local franchising authority in such area; or

(B) with the Commission.
“(4) LOCAL FRANCHISING ORDERS REQUIRING COMPLIANCE.—In a proceeding commenced with a local franchising authority on such a complaint, a local franchising authority may issue an order requiring compliance with any of such regulations prescribed by the Commission, but a local franchising authority may not create any new standard or regulation, or expand upon or modify the Commission’s standards or regulations.

“(5) ACCESS TO RECORDS.—In such a proceeding, the local franchising authority may issue an order requiring the filing of any contract, agreement, or arrangement between the subscriber and the provider, or any other data, documents, or records, directly related to the alleged violation.

“(6) COMMISSION REMEDIES; APPEALS.—Unless appealed to the Commission, an order of a local franchising authority under this subsection shall be enforced by the Commission. Any such appeal shall be resolved by the Commission within 30 days after receipt of the appeal by the Commission.

“(7) COST OF LOCAL FRANCHISING AUTHORITY ORDERS.—A local franchising authority may charge a provider of cable service under this section a nominal fee to cover the costs of issuing such orders.
“(h) **ANTIDISCRIMINATION.**—

“(1) **PROHIBITION.**—A cable operator with a national franchise under this section shall not deny access to its cable service to any group of potential residential cable service subscribers because of the income of that group. If the Commission determines that such a cable operator has denied access to its cable service to a group of potential residential cable service subscribers because of the income of that group, the Commission shall ensure that the cable operator extends access to that group.

[“(2) **ENFORCEMENT.**—]

“(i) **LEASED ACCESS.**—The provisions of section 612(i) regarding the carriage of programming from a qualified minority programming source or from any qualified educational programming source shall apply to a cable operator franchised under this section to provide cable service in a local franchise area.

“(j) **APPLICABILITY OF OTHER PROVISIONS.**—The following sections shall not apply to cable operators franchised under this section, or confer any authority to regulate or impose obligations on such cable operators: Sections 611(a), 611(b), 611(c), 613(a), 617, 621 (other than subsections (b)(3)(A), (b)(3)(B), (b)(3)(C), and (c)), 624(b), 624(e), 624(h), 625, 626, 627, and 632(a).
“(k) EMERGENCY ALERTS.—Nothing in this Act shall be construed to prohibit a State or local government from accessing the emergency alert system of a cable operator with a franchise under this section in the area served by the State or local government to transmit local or regional emergency alerts.

“(l) GROSS REVENUES.—As used in this section:

“(1) IN GENERAL.—Subject to paragraphs (1) and (2), for purposes of this section, the term ‘gross revenues’ means all consideration of any kind or nature, including without limitation, cash, credits, property, and in-kind contributions (services or goods) received by the cable operator from the provision of cable service within the franchise area.

“(2) INCLUDED ITEMS.—Subject to paragraph (3), the term ‘gross revenues’ shall include the following:

“(A) all charges and fees paid by subscribers for the provision of cable service, including fees attributable to cable service when sold individually or as part of a package or bundle, or functionally integrated, with services other than cable service;

“(B) any franchise fee imposed on the cable operator that is passed on to subscribers;
“(C) compensation received by the cable operator for promotion or exhibition of any products or services over the cable service, such as ‘home shopping’ or similar programming;

“(D) revenue received by the cable operator as compensation for carriage of video programming on that operator’s cable service;

“(E) all revenue derived from the cable operator’s cable service pursuant to compensation arrangements for advertising attributable to the local franchise area; and

“(F) any advertising commissions paid to an affiliated third party for cable services advertising.

“(3) EXCLUDED ITEMS.—For purposes of this section, the term ‘gross revenues’ shall not include the following:

“(A) any revenue not actually received, even if billed, such as bad debt net of any recoveries of bad debt;

“(B) refunds, rebates, credits, or discounts to subscribers or a municipality to the extent not already offset by clause (i) and to the extent such refund, rebate, credit, or discount is attributable to the cable service;
“(C) subject to paragraph (4), any revenues received by the cable operator or its affiliates from the provision of services or capabilities other than cable service, including telecommunications services, information services, and services, capabilities, and applications that may be sold as part of a package or bundle, or functionally integrated, with cable service;

“(D) any revenues received by the cable operator or its affiliates for the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing;

“(E) any requirements or charges for managing the public rights-of-way with respect to a franchise under this section, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages;

“(F) any amounts attributable to the provision of cable service to customers at no charge, including the provision of such service to public institutions without charge;

“(G) any tax, fee, or assessment of general applicability imposed on the customer or the
transaction by a Federal, State, or local govern-
ment or any other governmental entity, col-
lected by the provider, and required to be remit-
ted to the taxing entity, including sales and use
taxes and utility user taxes;

“(H) any forgone revenue from the provi-
sion of cable service at no charge to any person,
except that any forgone revenue exchanged for
trades, barters, services, or other items of value
shall be included in gross revenue;

“(I) sales of capital assets or surplus
equipment;

“(J) reimbursement by programmers of
marketing costs actually incurred by the cable
operator for the introduction of new program-
ing; and

“(K) the sale of cable services for resale to
the extent the purchaser certifies in writing
that it will resell the service and pay a franchise
fee with respect thereto.

“(4) FUNCTIONALLY INTEGRATED SERVICES.—
In the case of a cable service that is bundled or inte-
grated functionally with other services, capabilities,
or applications, the portion of the cable operator’s
revenue attributable to such other services, capabili-
ties, or applications shall be included in gross revenue unless the cable operator can reasonably identify the division or exclusion of such revenue from its books and records that are kept in the regular course of business.

“(5) AFFILIATE REVENUE.—Revenue of an affiliate shall be included in the calculation of gross revenues to the extent the treatment of such revenue as revenue of the affiliate has the effect (whether intentional or unintentional) of evading the payment of franchise fees which would otherwise be paid for cable service.

“(6) AFFECT ON OTHER LAW.—Nothing in this section is intended to limit a franchising authority’s rights pursuant to section 622(h) of the 1934 Act (47 U.S.C. 542(h)).”.

(b) IMPLEMENTING REGULATIONS.—The Federal Communications Commission shall prescribe regulations to implement the amendment made by subsection (a) within 120 days of the date of enactment of this Act.

SEC. 102. DEFINITION.

Section 602(4) of the Communications Act of 1934 (47 U.S.C. 522(4)) is amended by inserting before the semicolon at the end the following: “, or its equivalent as determined by the Commission”.
TITLE II—ENFORCEMENT OF
BROADBAND POLICY STATEMENT

SEC. 201. ENFORCEMENT OF BROADBAND POLICY STATEMENT.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

“SEC. 715. ENFORCEMENT OF BROADBAND POLICY STATEMENT.

“(a) Authority.—The Commission shall have the authority to enforce the Commission’s broadband policy statement and the principles incorporated therein.

“(b) Enforcement.—

“(1) Limitation.—The Commission’s authority to enforce the broadband policy statement and the principles incorporated therein is limited to the adjudicatory authority specified in paragraph (2) of this subsection, and the Commission shall not have rule-making authority with respect to such enforcement.

“(2) Adjudicatory Authority.—The Commission shall have exclusive authority to adjudicate any complaint alleging a violation of the broadband policy statement or the principles incorporated therein. If, upon completion of an adjudicatory pro-
ceeding under this section, the Commission deter-
mines that such a violation has occurred, the Com-
mission shall have authority to adopt an order to re-
quire the entity subject to the complaint to comply
with the broadband policy statement and the prin-
ciples incorporated therein.

“(c) STUDY.—Within 180 days after the date of en-
actment of this Act, the Commission shall conduct, and
submit to the House Committee on Energy and Commerce
and the Senate Committee on Commerce, Science, and
Transportation, a study regarding whether the objectives
of the broadband policy statement and the principles in-
corporated therein are being achieved.

“(d) DEFINITION.—For purposes of this section, the
term ‘Commission’s broadband policy statement’ means
the policy statement adopted on August 5, 2005, and
issued on September 23, 2005, In the Matters of Approp-
riate Framework for Broadband Access to the Internet
over Wireline Facilities, and other Matters (FCC 05–151;
CC Docket No. 02–33; CC Docket No. 01–337; CC Dock-
et Nos. 95–20, 98–10; GN Docket No. 00–185; CS Dock-
et No. 02–52).”
TITLE III—VOIP/911

SEC. 301. EMERGENCY SERVICES; INTERCONNECTION.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is further amended by adding after section 715 (as added by section 201 of this Act) the following new sections:

"SEC. 716. EMERGENCY SERVICES.

“(a) 911 AND E–911 SERVICES.—

“(1) IN GENERAL.—Each VOIP provider has a duty to ensure that—

“(A) unless the provider is a receive-only provider, 911 services are provided to subscribers of VOIP services; and

“(B) if the provider is a send-and-receive provider, 911 and E–911 services are provided to subscribers of VOIP services.

“(2) USE OF EXISTING REGULATIONS.—Until the Commission’s regulations to implement paragraph (1) take effect, a VOIP service provider that complies with the Commission’s regulations that apply to a VOIP services provider and that are in effect on the date of enactment of the _____________ Act of 2006 shall be considered to be in compliance with the requirements of this section. The Commission shall prescribe regulations to
implement paragraph (1) within 120 days after such
date of enactment.

“(b) NON-DISCRIMINATORY ACCESS TO CAPABILITIES.—Each entity with ownership or control of the neces-
sary E–911 infrastructure shall provide any requesting
VOIP service provider with nondiscriminatory access to
such infrastructure. Such entity shall provide access to the
infrastructure at just and reasonable, nondiscriminatory
rates, terms, and conditions as determined by the Com-
mission. In determining such access terms and conditions,
the Commission shall take into consideration appropriate
industry standards established by applicable industry
standard-setting organizations.

“(c) STATE AUTHORITY.—Nothing in this Act or any
Commission regulation or order shall prevent the imposi-
tion on or collection from a VOIP service provider, of any
fee or charge specifically designated or presented as dedi-
cated by a State, political subdivision thereof, or Indian
tribe on an equitable, and non-discriminatory basis for the
support of 911 and E–911 services if no portion of the
revenue derived from such fee or charge is obligated or
expended for any purpose other than support of 911 and
E–911 services or enhancements of such services.

“(d) FEASIBILITY.—In establishing requirements or
obligations under subsections (a) and (b), the Commission
shall ensure that such standards impose requirements or
obligations on providers of VOIP service and entities with
ownership or control of necessary E–911 infrastructure
that the Commission determines are technologically and
operationally feasible. In determining the requirements
and obligations that are technologically and operationally
feasible, the Commission shall take into consideration
available industry technological and operational standards.

“(e) SUBSCRIBER NOTICE.—A receive-only provider
of VOIP services and any other VOIP service provider
whose compliance with this section is determined by the
Commission to not be technologically or operationally fea-
sible in any geographic area shall provide a clear and con-
spicuous notice of the unavailability of such service to each
subscriber in such area at the time of entering into a serv-
vice agreement for VOIP service with that subscriber.

“(f) PROGRESS REPORTS.—To the extent that the
Commission concludes that it is not technologically or
operationally feasible for VOIP service providers to comply
with E–911 requirements or obligations, then the Com-
mission shall submit reports to the Committee on Energy
and Commerce of the House of Representatives and the
Committee on Commerce, Science, and Transportation of
the Senate on the progress in attaining and deploying E–
911 service. Such reports shall be submitted semianually
until the Commission concludes that it is technologically and operationally feasible for all VOIP service providers to comply with E–911 requirements and obligations. Such reports may include any recommendations the Commission considers appropriate to encourage the migration of emergency services to TCP/IP protocol or other advanced services.

“(g) ACCESS TO INFORMATION.—The Commission shall have the authority to compile a list of PSAP contact information, testing procedures, and classes and types of services supported by PSAPs, or other information concerning the necessary E–911 infrastructure, for the purpose of assisting providers in complying with the requirements of this section.

“(h) DEFINITIONS.—For purposes of this section:

“(1) VOIP SERVICE.—The term ‘VOIP service’ means a voice communications service that—

“(A) is offered with or without a fee to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used;

“(B) enables a subscriber to send or receive voice communications in TCP/IP protocol or a successor protocol to or from any subscriber with—
“(i) a telephone number under the North American Numbering Plan; or
“(ii) such other identification method as is designated by the Commission to be a significant alternative or successor to such Plan; and
“(C) assigns to the subscriber such a number or other identification method.

“(2) VOIP SERVICE PROVIDER.—The term ‘VOIP service provider’ means any person who provides or offers to provide a VOIP service, either directly or through an affiliate.

“(3) RECEIVE-ONLY PROVIDER.—The term ‘receive-only provider’ means a VOIP service provider that enables a subscriber to receive voice communications in TCP/IP protocol or a successor protocol from, but not to send to such communications to—
“(A) a telephone number under the North American Numbering Plan; or
“(B) such other identification method as is designated by the Commission to be a significant alternative or successor to such Plan.

“(4) SEND-AND-RECEIVE PROVIDER.—The term ‘send-and-receive provider’ means a VOIP service provider that directly or indirectly enables a sub-
scriber to both send and receive voice communications in TCP/IP protocol or a successor protocol to and from any subscriber with such a telephone number or other identification method.

“(5) NECESSARY E–911 INFRASTRUCTURE.—The term ‘necessary E–911 infrastructure’ means the selective routers, selective router databases, automatic location information databases, master street address guides, trunk lines between selective routers and PSAPs, trunk lines between automatic location information databases and PSAPs, and other 911 and E–911 equipment, facilities, databases, interfaces, and related capabilities specified by the Commission.

“SEC. 717. RIGHTS AND OBLIGATIONS OF VOIP PROVIDERS.

“(a) IN GENERAL.—A VOIP service provider shall have the same rights, duties, and obligations as a requesting telecommunications carrier under sections 251 and 252 of the Communications Act of 1934 (47 U.S.C. 251, 252) with respect to interconnection, including associated rights, duties, and obligations necessary to effectuate such interconnection, if the provider elects to assert such rights.

“(b) DEFINITION.—For purposes of this section, the term ‘VOIP service provider’ has the meaning given such term by section 716(h). ”.
TITLE IV—MUNICIPAL
PROVISION OF SERVICES

SEC. 401. GOVERNMENT AUTHORITY TO PROVIDE SERVICES.

(a) IN GENERAL.—Neither the Communications Act of 1934 nor any State statute, regulation, or other State legal requirement may prohibit or have the effect of prohibiting any public provider of telecommunications service, information service, or cable service (as such terms are defined in sections 3 and 602 of such Act) from providing such services to any person or entity.

(b) COMPETITION NEUTRALITY.—Any State or political subdivision thereof, or any agency, authority, or instrumentality of a State or political subdivision thereof, that is, owns, controls, or is otherwise affiliated with a public provider of telecommunications service, information service, or cable service shall not grant any preference or advantage to any such provider. Such entity shall apply its ordinances, rules, and policies, including those relating to the use of public rights-of-way, permitting, performance bonding, and reporting without discrimination in favor of any such provider as compared to other providers of such services.

(c) COMPLIANCE WITH OTHER LAWS NOT AFFECTED.—Nothing in this section shall exempt a public
 provider from any law or regulation that applies to providers of telecommunications service, information service, or cable service.

(d) **DEFINITION OF PUBLIC PROVIDER.**—For purposes of this section, the term “public provider” means a State or political subdivision thereof, or any agency, authority, or instrumentality of a State or political subdivision thereof, that provides telecommunications service, information service, or cable service, or any entity that is owned, controlled, or is otherwise affiliated with such State or political subdivision thereof, or agency, authority, or instrumentality of a State or political subdivision thereof.