

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1213
Committee Substitute Favorable 5/11/09
Committee Substitute #2 Favorable 5/13/09

Short Title: Amend Broadband Definition/More Competition.

(Public)

Sponsors:

Referred to:

April 8, 2009

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE DEFINITION OF BROADBAND SERVICE TO ENCOURAGE
3 DEPLOYMENT OF COMPETITIVE INTERNET PROTOCOL-ENABLED SERVICES.

4 The General Assembly of North Carolina enacts:

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

6 "(b1) Broadband service provided by public utilities as defined in G.S. 62-3(23)a.6. is
7 sufficiently competitive and shall not be regulated by the Commission. Nothing herein shall be
8 construed to modify the authority of any entity to enforce applicable State or federal statutes or
9 regulations relating to switched access rates or other intercarrier compensation rates for
10 interexchange services provided by a local exchange telecommunications company, or to
11 modify any authority of the State or a political subdivision of the State with respect to cable
12 services consistent with Article 42 of Chapter 66 of the General Statutes and Title VI of the
13 Communications Act of 1934, 47 U.S.C. § 521, et seq."

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

15 "(1) "Broadband service" means any service that consists of or includes a
16 high-speed access capability to transmit at a rate of not less than 200 kilobits
17 per second in either the upstream or downstream direction and either (i) is
18 used to provide access to the Internet, or (ii) provides computer processing,
19 information storage, information content, or protocol conversion, including
20 any service applications or information service provided over such
21 high-speed access service. "Broadband service" includes any service that
22 enables the end user to send or receive communications in Internet protocol
23 or a successor protocol, including, but not limited to, voice-over-Internet
24 protocol. "Broadband service" does not include intrastate service that was
25 tariffed by the Commission and in effect as of the effective date of this
26 subdivision."

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

