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ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 247, L.D. 396, “An Act to Preserve the 207 Area Code and Impede So-called Robocalling”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 35-A MRSA §7104, sub-§1-A is enacted to read:

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "North American Numbering Plan Administrator" means a North American organization responsible for neutrally administering numbering resources in a Maine numbering plan area.

B. "Number placed in service" means an active 10-digit telephone number that is:

(1) Compliant with the guidelines established by the North American Numbering Plan Administrator for use by a voice network service provider;

(2) Has been assigned to an end user customer of the voice network service provider; and

(3) Is capable of receiving voice traffic from, or originating voice traffic to, the public switched telephone network.

C. "Numbering plan area" has the same meaning as in 47 Code of Federal Regulations, Section 52.7(a) in effect on December 16, 2022.

D. "Numbering resources" means blocks of telephone numbers provided to authorized voice network service providers in a numbering plan area by the North American Numbering Plan Administrator.

E. "Voice network service provider" means a voice service provider that offers its subscribers the means to initiate or receive voice communications using the public switched telephone network and includes a provider of interconnected voice over

COMMITTEE AMENDMENT

1 Internet protocol service required to register with the commission pursuant to section
2 7110, subsection 2.

3 **Sec. 2. 35-A MRSA §7104, sub-§3**, as amended by PL 2017, c. 422, §§2 to 4 and
4 affected by §12, is further amended to read:

5 **3. Authority.** The commission shall adopt rules to implement this section and may
6 require voice network service providers using numbers placed in service for the State's
7 numbering plan area from the North American Numbering Plan Administrator or its
8 successor to contribute to a state universal service fund to support programs consistent with
9 the goals of applicable provisions of this Title and the federal Telecommunications Act of
10 1996, Public Law 104-104, 110 Stat. 56. A voice network service provider is not required
11 to contribute to the state universal service fund for telephone numbers that are acquired by
12 the provider but are not placed in service. Prior to requiring that voice network service
13 providers contribute to a state universal service fund, the commission shall assess the
14 telecommunications needs of the State's consumers and establish the level of support
15 required to meet those needs. If the commission establishes a state universal service fund
16 pursuant to this section, the commission shall contract with an appropriate independent
17 fiscal agent that is not a state entity to serve as administrator of the state universal service
18 fund. Funds contributed to a state universal service fund are not state funds. Rules and
19 any state universal service fund requirements established by the commission pursuant to
20 this section must:

21 A. Be reasonably designed to maximize federal assistance available to the State for
22 universal service purposes;

23 B. Meet the State's obligations under the federal Telecommunications Act of 1996,
24 Public Law 104-104, 110 Stat. 56;

25 C. Be consistent with the goals of the federal Telecommunications Act of 1996, Public
26 Law 104-104, 110 Stat. 56;

27 D. Ensure that any requirements regarding contributions to a state universal service
28 fund be nondiscriminatory and competitively neutral;

29 G. Require, if a voice network service provider recovers its contributions under this
30 section by means of a charge placed on a bill issued to a customer, explicit
31 identification on that bill of any charge imposed under this section; and

32 H. Ensure that any fees or surcharges established by or pursuant to this section are not
33 imposed on revenues received from or on prepaid wireless telecommunications service
34 transactions supported by federal universal service support funds pursuant to 47 Code
35 of Federal Regulations, Part 54. This paragraph does not prohibit the imposition of
36 fees or surcharges with respect to revenues received from consumers for optional
37 services that are not supported by federal universal service support funds.

38 ~~For purposes of this section, "voice network service provider" means a voice service~~
39 ~~provider that offers its subscribers the means to initiate or receive voice communications~~
40 ~~using the public switched telephone network.~~ Rules adopted under this subsection are
41 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commission
42 may investigate a voice network service provider to ensure compliance with this section.

1 **Sec. 3. 35-A MRSA §7104-B, sub-§1**, as amended by PL 2011, c. 623, Pt. B, §§18
2 and 19, is further amended to read:

3 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
4 following terms have the following meanings.

5 A. "Qualified library" means a public library as defined in Title 27, section 110,
6 subsection 10; a research center as defined in Title 27, section 110, subsection 12; or a
7 library that provides free public access to all advanced telecommunications services
8 available at that library and whose collection serves as a statewide resource, if the
9 commission determines, in consultation with the Maine Library Commission, that
10 including that library as a qualified library is in the public interest.

11 A-1. "North American Numbering Plan Administrator" has the same meaning as in
12 section 7104, subsection 1-A, paragraph A.

13 A-2. "Number placed in service" has the same meaning as in section 7104, subsection
14 1-A, paragraph B.

15 A-3. "Numbering plan area" has the same meaning as in section 7104, subsection 1-A,
16 paragraph C.

17 B. "Qualified school" means a public school as defined in Title 20-A, section 1,
18 subsection 24; a private school approved under Title 20-A, section 2901 or 2951; or a
19 school that provides free public access to all advanced telecommunications services
20 available at that school, if the commission determines, in consultation with the
21 Department of Education, that including that school as a qualified school is in the
22 public interest.

23 D. "Voice network service provider" means a voice service provider that offers its
24 subscribers the means to initiate or receive voice communications using the public
25 switched telephone network and includes a provider of interconnected voice over
26 Internet protocol service required to register with the commission pursuant to section
27 7110, subsection 2.

28 **Sec. 4. 35-A MRSA §7104-B, sub-§2**, as amended by PL 2017, c. 244, §1, is
29 further amended to read:

30 **2. Authority.** Pursuant to the authority granted in section 7104 and in order to carry
31 out the policy goals established by section 7101, subsections 1, 2 and 4, the commission
32 shall establish a telecommunications education access fund, referred to in this section as
33 ~~the "fund,"~~ "the fund," and require all voice network service providers providing service in
34 the State using numbers placed in service for the State's numbering plan area from the
35 North American Numbering Plan Administrator or its successor to contribute to the fund.
36 A voice network service provider is not required to contribute to the fund for telephone
37 numbers that are acquired by the provider but are not placed in service. The fund must be
38 available, with any accumulated interest, to qualified libraries, qualified schools and the
39 Raymond H. Fogler Library at the University of Maine to assist in paying the costs of
40 acquiring and using advanced telecommunications technologies.

41 The commission may investigate a voice network service provider to ensure compliance
42 with this section.

43 **Sec. 5. 35-A MRSA §7110** is enacted to read:

1 **§7110. Registration requirements of interconnected voice over Internet protocol**
2 **service provider**

3 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
4 following terms have the following meanings.

5 A. "North American Numbering Plan Administrator" has the same meaning as in
6 section 7104, subsection 1-A, paragraph A.

7 B. "Numbering resources" has the same meaning as in section 7104, subsection 1-A,
8 paragraph D.

9 **2. Registration.** A provider of interconnected voice over Internet protocol service shall
10 register with the commission in a manner prescribed by the commission prior to requesting
11 numbering resources in the State. The registration must include:

12 A. Contact information for a representative of the provider responsible for regulatory
13 and numbering matters; and

14 B. An acknowledgment that the provider of interconnected voice over Internet protocol
15 service must file a notice with the commission at least 30 days before requesting
16 numbers from the North American Numbering Plan Administrator or its successor.

17 When there is any change in the contact information required by paragraph A, a provider
18 of interconnected voice over Internet protocol service shall update its registration
19 information.

20 **3. Information requests.** A provider of interconnected voice over Internet protocol
21 service registered under subsection 2 shall, upon the commission's request, provide the
22 commission with detailed information relating to the distribution of numbering resources
23 in the State, unless the interconnected voice over Internet protocol service provider is
24 prohibited from doing so by state or federal privacy laws, rules or regulations.

25 **4. Authority.** The commission may exercise any authority provided to the states by 47
26 Code of Federal Regulations, Part 52 in effect on December 16, 2022 in order to maximize
27 numbering resources.

28 **5. Rules.** The commission may adopt rules to implement the requirements of this
29 section. Rules adopted pursuant to this subsection are routine technical rules as defined in
30 Title 5, chapter 375, subchapter 2-A.

31 **6. Enforcement.** Failure of a provider of interconnected voice over Internet protocol
32 service to comply with this section or any applicable commission rule is subject to
33 administrative penalties under section 1508-A.

34 **Sec. 6. Public Utilities Commission; report.** No later than January 12, 2024, the
35 Public Utilities Commission shall provide a report to the Joint Standing Committee on
36 Energy, Utilities and Technology that:

37 1. Includes a summary of the compliance by voice network service providers, as
38 defined in the Maine Revised Statutes, Title 35-A, section 7104, subsection 1-A, paragraph
39 E, with the requirements of sections 7104 and 7104-B;

40 2. Contains an update of the commission's effort to preserve the 207 area code; and

1 3. Includes an analysis of whether additional efforts could be taken to ensure
2 numbering resources, as defined in section 7104, subsection 1-A, paragraph D, are used
3 efficiently.

4 The report may include recommendations for any legislation. The committee may report
5 out a bill related to the report to the Second Regular Session of the 131st Legislature.'

6 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
7 number to read consecutively.

8 **SUMMARY**

9 This amendment replaces the bill and does the following.

10 1. It requires voice network service providers that acquire and place into service
11 numbering resources for the State's numbering plan area from the North American
12 Numbering Plan Administrator or its successor to pay into the State's universal service fund
13 and telecommunications education access fund.

14 2. It provides the Public Utilities Commission with the authority to investigate voice
15 network service providers for compliance with contributing to the State's universal service
16 fund and telecommunications education access fund.

17 3. It creates a registration process for a provider of interconnected voice over Internet
18 protocol service obtaining numbering resources in the State. It allows the commission to
19 adopt routine technical rules relating to the registration process.

20 4. It requires the commission to submit a report to the Joint Standing Committee on
21 Energy, Utilities and Technology that includes information on compliance with the State's
22 universal service fund and telecommunications education access fund requirements, an
23 update on the commission's efforts to preserve the 207 area code, and an analysis of whether
24 additional efforts are needed to ensure numbering resources are used efficiently.

25 **FISCAL NOTE REQUIRED**

26 **(See attached)**