

# SENATE BILL 864

C5

71r2991

---

By: **Senator Middleton**

Introduced and read first time: February 19, 2007

Assigned to: Rules

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Voice Over Internet Protocol Service and Internet Protocol-Enabled Service**

3 FOR the purpose of providing that the Public Service Commission does not have  
4 jurisdiction over certain voice over Internet protocol services and Internet  
5 protocol-enabled services; providing for the construction of this Act; defining  
6 certain terms; and generally relating to voice over Internet protocol service and  
7 Internet protocol-enabled service.

8 BY adding to

9 Article – Public Utility Companies

10 Section 8-601 and 8-602 to be under the new subtitle “Subtitle 6. Voice over  
11 Internet Protocol Service and Internet Protocol-Enabled Service”

12 Annotated Code of Maryland

13 (1998 Volume and 2006 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Public Utility Companies**

17 **SUBTITLE 6. VOICE OVER INTERNET PROTOCOL SERVICE AND INTERNET**  
18 **PROTOCOL-ENABLED SERVICE.**

19 **8-601.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3           (B) “INTERNET PROTOCOL-ENABLED SERVICE” OR “IP-ENABLED  
4 SERVICE” MEANS ANY SERVICE, CAPABILITY, FUNCTIONALITY, OR APPLICATION  
5 PROVIDED USING INTERNET PROTOCOL OR ANY SUCCESSOR PROTOCOL THAT  
6 ENABLES AN END USER TO SEND OR RECEIVE A COMMUNICATION IN IP FORMAT  
7 OR ANY SUCCESSOR FORMAT, REGARDLESS OF WHETHER THE COMMUNICATION  
8 IS VOICE, DATA, OR VIDEO.

9           (C) (1) “VOICE OVER INTERNET PROTOCOL SERVICE” OR “VOIP  
10 SERVICE” MEANS ANY SERVICE THAT:

11                           (I) ENABLES REAL-TIME TWO-WAY VOICE  
12 COMMUNICATIONS THAT ORIGINATE OR TERMINATE USING INTERNET  
13 PROTOCOL OR A SUCCESSOR FORMAT; AND

14                           (II) USES A BROADBAND CONNECTION FROM THE USER’S  
15 LOCATION.

16           (2) “VOICE OVER INTERNET PROTOCOL SERVICE” OR “VOIP  
17 SERVICE” INCLUDES ANY SERVICE THAT PERMITS USERS GENERALLY TO  
18 RECEIVE CALLS THAT ORIGINATE ON THE PUBLIC SWITCHED TELEPHONE  
19 NETWORK AND TO TERMINATE CALLS TO THE PUBLIC SWITCHED TELEPHONE  
20 NETWORK.

21 **8-602.**

22           (A) THE COMMISSION DOES NOT HAVE JURISDICTION OVER THE  
23 REGULATION OF VOIP SERVICE OR IP-ENABLED SERVICE, INCLUDING THE  
24 IMPOSITION OF REGULATORY FEES, CERTIFICATION REQUIREMENTS, AND THE  
25 FILING OR APPROVAL OF TARIFFS.

26           (B) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO:

27                           (1) REQUIRE OR PROHIBIT THE ASSESSMENT OF 9-1-1 FEES IN  
28 ACCORDANCE WITH § 1-310 OF THE PUBLIC SAFETY ARTICLE ON VOIP OR  
29 IP-ENABLED SERVICE;

1                   **(2) REQUIRE OR PROHIBIT THE PAYMENT OF ANY SWITCHED**  
2 **NETWORK ACCESS RATES OR OTHER INTERCARRIER COMPENSATION RATES**  
3 **THAT MAY BE DETERMINED TO APPLY; OR**

4                   **(3) RELIEVE A COMPANY THAT IS OTHERWISE SUBJECT TO §**  
5 **8-201 OF THIS TITLE OF ITS OBLIGATION TO PROVIDE TELEPHONE LIFELINE**  
6 **SERVICE OVER LOCAL EXCHANGE ACCESS LINES THAT ARE SUBJECT TO THE**  
7 **COMMISSION'S JURISDICTION.**

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2007.