

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1087

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Telecommunications” and substitute “Communications”; in line 5, after “time;” insert “altering the maximum amount of a certain surcharge; providing that a certain surcharge is payable by account;”; in the same line, strike “Public Service Commission” and substitute “Secretary of Information Technology”; in line 7, after “circumstances;” insert “providing that the money in the Fund may only be used for certain purposes; requiring the Public Service Commission to determine a certain surcharge annually for the following fiscal year; requiring the Commission to set and adjust a certain surcharge in a certain manner and under certain circumstances; requiring that certain funds be carried forward in the Fund for a certain purpose;”; in line 10, after “proceeds;” insert “providing that this Act may not be construed to expand the jurisdiction of the Commission in any manner over certain services;”; in line 12, strike “telecommunications” and substitute “communications”; in line 15, strike the first “and (c)”; in line 20, strike “3A-501(g)” and substitute “3A-501(c)”; in the same line, strike “(i)” and substitute “(d)”; and in line 25, strike “3A-501(g)” and substitute “3A-501(c) through (g)”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“(C) “COMMUNICATIONS COMPANY” MEANS A PUBLIC SERVICE COMPANY, AS DEFINED IN § 1-101 OF THE PUBLIC UTILITIES ARTICLE, OR ANY OTHER COMPANY, THAT PROVIDES A COMMUNICATIONS SERVICE.

(D) “COMMUNICATIONS SERVICE” MEANS:

(1) LANDLINE TELEPHONE SERVICE;

(Over)

(2) WIRELESS OR CELLULAR TELEPHONE SERVICE; OR

(3) VOICE OVER INTERNET PROTOCOL (VOIP) SERVICE, AS DEFINED IN § 8-601 OF THE PUBLIC UTILITIES ARTICLE.”;

in line 6, strike “(c)” and substitute “**(E)**”; after line 11, insert:

[(d)] (F) “Program” means the dual party telephone relay program.

[(e)] (G) “Program participant” means a resident of the State who uses the dual party telephone relay program.

[(f)] (H) (1) “Specialized customer telephone equipment” means any communications device that enables or assists a person with a disability to communicate with others by means of the public switched telephone network or Internet protocol–enabled voice communications service.

(2) “Specialized customer telephone equipment” includes:

(i) TDD/TT/TTY;

(ii) amplifiers;

(iii) captioned telephones;

(iv) VRS equipment;

(v) cell phones;

(vi) paggers;

- (vii) puff blow devices;
- (viii) Braille–TTY devices; and
- (ix) equipment for the mobility disabled.”;

strike in their entirety lines 12 through 21, inclusive; in line 22, strike “(H)” and substitute “(I)”; and strike in their entirety lines 25 through 29, inclusive.

On page 3, after line 21, insert:

“(3) MONEY IN THE UNIVERSAL SERVICE TRUST FUND MAY ONLY BE USED:

(I) TO FUND THE COSTS OF THE PROGRAMS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) TO PAY FOR THE ADMINISTRATION OF THE UNIVERSAL SERVICE TRUST FUND.”;

in line 25, strike “TELECOMMUNICATIONS” and substitute “COMMUNICATIONS”; in line 28, strike “45” and substitute “18”; in the same line, after “month” insert “FOR EACH ACCOUNT”; in lines 30 and 32, in each instance, strike “TELECOMMUNICATIONS” and substitute “A COMMUNICATIONS”; and after line 32, insert:

“(3) THE SURCHARGE TO BE COLLECTED UNDER THIS SECTION ONLY APPLIES TO A COMMUNICATIONS SERVICE FOR WHICH CHARGES ARE

(Over)

BILLED BY, OR ON BEHALF OF, A COMMUNICATIONS COMPANY TO A SUBSCRIBER OF THE COMMUNICATIONS SERVICE.”.

On page 4, in line 3, after “Fund” insert “FOR THE FOLLOWING FISCAL YEAR”; in line 4, after “(2)” insert “(I)”; in the same line, after “surcharge” insert “FOR THE FOLLOWING FISCAL YEAR”; after line 6, insert:

“(II) 1. IN ACCORDANCE WITH SUBSECTION (C)(2) AND SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE PUBLIC SERVICE COMMISSION SHALL SET THE SURCHARGE FOR THE FOLLOWING FISCAL YEAR AT AN AMOUNT THAT IS NO HIGHER THAN NECESSARY TO GENERATE SUFFICIENT REVENUES TO FUND THE COSTS OF THE PROGRAMS FOR THE FOLLOWING FISCAL YEAR, AS CERTIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

2. IN SETTING THE SURCHARGE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE PUBLIC SERVICE COMMISSION SHALL TAKE INTO ACCOUNT WHETHER THE SURCHARGE MAY BE ADJUSTED AS A RESULT OF ANY UNCOMMITTED FUNDS IN THE UNIVERSAL SERVICE TRUST FUND AT THE END OF THE FISCAL YEAR THAT MAY BE USED TO FUND THE COSTS OF THE PROGRAMS FOR THE FOLLOWING FISCAL YEAR.”;

in line 7, strike “(I)”; in the same line, strike “PUBLIC SERVICE COMMISSION” and substitute “SECRETARY”; in lines 8 and 9, strike “THAT ARE PUBLIC SERVICE COMPANIES”; in line 9, after “THE” insert “PUBLIC SERVICE”; in lines 8, 11, 23, and 26, in each instance, strike “TELECOMMUNICATIONS” and substitute “COMMUNICATIONS”; strike in their entirety lines 13 through 22, inclusive; in lines 31 and 32, in each instance, after “the” insert “UNIVERSAL SERVICE TRUST”; and after line 32, insert:

“(3) ANY FUNDS REMAINING AT THE END OF A FISCAL YEAR IN THE UNIVERSAL SERVICE TRUST FUND SHALL BE CARRIED FORWARD WITHIN THE UNIVERSAL SERVICE TRUST FUND FOR THE MAINTENANCE AND OPERATION OF THE PROGRAMS SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION IN THE FOLLOWING FISCAL YEAR.”.

AMENDMENT NO. 3

On page 5, after line 24, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to expand the jurisdiction of the Public Service Commission in any manner over wireless or cellular telephone service or Voice over Internet Protocol (VoIP) service.”;

and in line 25, strike “2.” and substitute “3.”.