

STATE OF WYOMING GENERAL SESSION 2013

Chapter 92

TELECOMMUNICATIONS-INTERNET PROTOCOL ENABLED SERVICES

Original House Bill No. 18

AN ACT relating to telecommunications; exempting internet protocol enabled services from regulation as specified; providing definitions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 37-15-105 is created to read:

37-15-105. VoIP and internet protocol enabled services.

(a) As used in this section:

(i) “Internet protocol enabled service” or “IP enabled service” means any service, capability, functionality or application, other than “voice over internet protocol service,” (VoIP) using existing internet protocol, or any successor internet protocol, that enables an end user to send or receive a communication in existing internet protocol format, or any successor internet protocol format, utilizing a broadband connection at the end user’s location, regardless of whether the communication is voice, data or video;

(ii) “Voice over internet protocol service” means any service that:

(A) Enables real time, two-way voice communication originating from or terminating at the user’s location in internet protocol or a successor protocol;

(B) Utilizes a broadband connection at the user’s location; and

(C) Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.

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(b) The commission shall not regulate IP enabled service or voice over internet protocol service. Nothing in this section affects or modifies:

(i) Any applicable wholesale tariff or any commission authority to implement or enforce any rights, duties or obligations of any party related to wholesale services;

(ii) Any entity's obligations or rights or commission authority under sections 251 and 252 of the Federal Communications Act of 1934, 47 U.S.C. §§ 251 and 252;

(iii) Any commission jurisdiction over intrastate switched access rates, terms and conditions, including the implementation of federal law with respect to intercarrier compensation;

(iv) Any obligation for the provision of video or cable service by any entity under applicable law;

(v) Any commission jurisdiction or authority pursuant to W.S. 37-15-401(a)(vii), including but not limited to commission jurisdiction or authority to address federal high cost fund or federal universal service fund issues;

(vi) Any obligation to offer essential telecommunications service as regulated by the commission in other sections of this chapter.

(c) If a service provider voluntarily chooses to receive Wyoming universal service funds to support voice over internet protocol service that otherwise qualifies for support pursuant to W.S. 37-15-501 or 37-15-502, then that supported voice over internet protocol service shall be subject to all laws and rules governing the receipt of such funds, and the support provided to those services shall not exceed the support that would be provided to eligible noncompetitive essential local exchange services on a per-access-line basis.

(d) Voice over internet protocol service shall be subject to the following:

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- (i) Any required assessments under W.S. 37-15-501 and 37-15-502;
- (ii) Any required assessment of 911 or E911 emergency service taxes under W.S. 16-9-101 through 16-9-105;
- (iii) Any required special fee under W.S. 16-9-209; or
- (iv) Any required assessment levied under W.S. 37-2-106 through 37-2-109.

Section 2. This act is effective July 1, 2013.

Approved February 27, 2013.