

SENATE BILL NO. 487—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF ATTORNEY GENERAL)

MARCH 18, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to provision of telecommunication services.
(BDR 58-300)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to telecommunications; requiring the department of human resources to provide certain providers of telecommunication services with information concerning customers who are eligible to receive lifeline and link up services; regulating the provision of such services to eligible customers; authorizing under certain circumstances the reimbursement of eligible providers that provide lifeline services; providing immunity from liability under certain circumstances with respect to the provision of enhanced 911 services; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 707 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 11, inclusive, of this act.
3 **Sec. 2.** *As used in sections 2 to 11, inclusive, of this act, the words*
4 *and terms defined in sections 2.5 to 7, inclusive, of this act, have the*
5 *meanings ascribed to them in those sections.*
6 **Sec. 2.5.** *“Commission” means the public utilities commission of*
7 *Nevada.*
8 **Sec. 3.** *“Department” means the department of human resources.*
9 **Sec. 4.** *“Eligible customer” means a customer who is eligible to*
10 *receive lifeline or link up services.*

1 **Sec. 5.** *“Eligible provider” means a provider of telecommunication*
2 *services that has been designated as an eligible telecommunications*
3 *carrier by the commission to receive universal service support pursuant*
4 *to 47 U.S.C. § 214, as that section existed on January 1, 1999.*

5 **Sec. 6.** *“Lifeline” has the meaning ascribed to it in 47 C.F.R. §*
6 *54.401(a), as that section existed on January 1, 1999.*

7 **Sec. 7.** *“Link up” has the meaning ascribed to it in 47 C.F.R. §*
8 *54.411(a), as that section existed on January 1, 1999.*

9 **Sec. 8.** 1. *The department shall provide to each eligible provider a*
10 *list of eligible customers, as determined by criteria adopted by the public*
11 *utilities commission of Nevada or the Federal Communications*
12 *Commission, as appropriate, who are located within the service area of*
13 *the eligible provider. The list must include:*

14 (i) *The name and address of each eligible customer; and*

15 (ii) *If applicable, the telephone number of each eligible customer.*

16 2. *Every 6 months the department shall provide to each eligible*
17 *provider an updated list of the eligible customers in this state.*

18 3. *The department may adopt such regulations as are necessary to*
19 *coordinate the acquisition and provision of the information required to*
20 *be provided pursuant to this section.*

21 **Sec. 9.** 1. *An eligible provider, within 7 days after determining that*
22 *a person located in its service area is an eligible customer, shall notify*
23 *the eligible customer that he will receive lifeline or link up services, or*
24 *both, unless he specifically declines to receive the services. The*
25 *notification must include:*

26 (i) *Information about the lifeline and link up services, including,*
27 *without limitation, the date on which the services will begin and any*
28 *options or responsibilities that the eligible customer may have related to*
29 *the receipt of those services;*

30 (ii) *A self-addressed, postage paid response card which the eligible*
31 *customer must return to the eligible provider to decline the services; and*

32 (iii) *A statement that the eligible provider will automatically provide*
33 *lifeline or link up services, or both, to the eligible customer unless the*
34 *eligible customer declines the services by timely returning to the eligible*
35 *provider the response card included with the notification.*

36 2. *To decline lifeline or link up services, an eligible customer must*
37 *return the response card included in the notification provided pursuant*
38 *to subsection 1 to the eligible provider not later than 10 days before the*
39 *date on which the services are scheduled to begin.*

40 3. *An eligible provider shall begin billing an eligible customer for*
41 *lifeline or link up services, or both, not later than 60 days after the date*
42 *on which the eligible provider receives the list of eligible customers from*

1 *the department which includes the eligible customer, if the eligible*
2 *customer has not declined the services.*

3 *4. An eligible provider shall continue providing lifeline services to an*
4 *eligible customer for as long as he continues to receive*
5 *telecommunication services from the eligible provider until the customer*
6 *or the department notifies the eligible provider that the customer is no*
7 *longer eligible for the program. The eligible provider shall discontinue*
8 *providing lifeline services to an eligible customer if the eligible customer*
9 *notifies the eligible provider in writing that he wishes to discontinue*
10 *receiving those services.*

11 **Sec. 10. 1.** *The reduction in the telephone rates provided by lifeline*
12 *or link up services must be based on the methods for determining*
13 *reductions which are adopted by the commission by regulation. The*
14 *commission may provide different methods for determining reductions to*
15 *allow for differences between eligible providers. The methods may*
16 *include, without limitation:*

17 *(a) Basing the reduction on the tariff filed by the eligible provider with*
18 *the commission; or*

19 *(b) Establishing a formula pursuant to which the amount of the*
20 *reduction may be determined.*

21 *2. The reduction in such telephone rates applies only to:*

22 *(a) Residential flat rate basic local exchange service;*

23 *(b) Residential local exchange access service;*

24 *(c) Residential local calling area service; and*

25 *(d) Residential service connection charges.*

26 *3. The reduced rate for residential local exchange access service,*
27 *when combined with the reduced rate for residential local calling area*
28 *service, must not exceed the comparable reduced rate for residential flat*
29 *rate basic local exchange service.*

30 *4. If the amount of the reduction in rates provided by an eligible*
31 *provider to an eligible customer for lifeline services is greater than the*
32 *amount which the eligible provider receives as universal service support*
33 *pursuant to 47 U.S.C. § 254, the eligible provider is entitled to*
34 *reimbursement from the fund established by the commission pursuant to*
35 *NRS 704.040 for the difference between the amount of the reduction and*
36 *the amount received as universal service support pursuant to 47 U.S.C. §*
37 *254.*

38 **Sec. 11. 1.** *A telephone company, person providing wireless or*
39 *commercial mobile radio service, public safety answering point, or*
40 *manufacturer supplying equipment to a telephone company or public*
41 *safety answering point, or any agent thereof, is not liable to any person*
42 *who uses an enhanced 911 service for:*

1 (a) *The release of the telephone number and street address of the*
2 *telephone used to place the 911 telephone call, including telephone*
3 *numbers which are not published, if the release was made in good faith;*

4 (b) *The failure of any equipment or procedure in connection with the*
5 *provision of an enhanced 911 service; or*

6 (c) *Any act, or the omission of any act, committed in good faith,*
7 *while providing, or while in training to provide, services through a public*
8 *safety answering point.*

9 2. *As used in this section:*

10 (a) *“Enhanced 911 service” means a service consisting of telephone*
11 *network features and public safety answering points provided for persons*
12 *using the public telephone system to reach the appropriate public service*
13 *answering point by dialing the digits 9-1-1, by using selective routing, if*
14 *required, based on the location from which the call originated, and*
15 *providing at the public safety answering point automatic number*
16 *identification and automatic location identification.*

17 (b) *“Public safety answering point” means a facility, operated 24*
18 *hours a day, 7 days a week, that is responsible for receiving 911*
19 *telephone calls and directly dispatching emergency response services, or*
20 *transferring or relaying 911 telephone calls to other public safety*
21 *agencies. A public safety answering point is the first point of reception by*
22 *a public safety agency of 911 telephone calls and serves the jurisdiction*
23 *in which it is located and other participating jurisdictions.*