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~~3. Any service that is identified as nonregulated in the cost allocation manual of the incumbent local exchange carrier filed with the Federal Communications Commission pursuant to 47 C.F.R. § 64.903, except that the gross operating revenue derived from a nonregulated service remains subject to the annual assessment levied and collected by the Commission in accordance with NRS 704.033.~~

~~Sec. 4. "New service" means a retail telecommunication service that~~

~~1. Provides a function, feature or capability which is not offered in any service previously offered by the carrier; or~~

~~2. Combines two or more previously provided new services.~~

~~Sec. 5.4= 1. "PAR carrier" means an incumbent local exchange carrier that is regulated under a plan of alternative regulation approved by the Commission pursuant to subsection 4 of NRS 704.040. section 8 of this act.~~

~~2. The term includes, but is not limited to, an electing PAR carrier.~~

~~Sec. 6.5 "Telecommunication" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received, regardless of the facilities used.~~

~~Sec. 7.6 "Telecommunication service" means to offer, for a fee:~~

~~1. Any telecommunication directly to the public; or~~ TO ANY PERSON; OR

~~2. Any access service to interexchange carriers.~~

~~Sec. 8. 1. The Commission may exempt, to the extent it deems reasonable, an incumbent local exchange carrier from any or all of the provisions of this chapter, upon a determination after a hearing that the incumbent local exchange carrier should be subject to a plan of alternative regulation.~~

~~2. The Commission shall adopt regulations necessary to establish a plan of alternative regulation for an incumbent local exchange carrier. The regulations must include provisions that:~~

~~(a) Allow adjustment of the rates charged by the incumbent local exchange carrier during the period in which the incumbent local exchange carrier is regulated under a plan of alternative regulation.~~

~~(b) Provide for flexibility in the pricing and the terms of discretionary services upon submitting a notice to the Commission.~~

~~(c) Specify the provisions of this chapter and chapter 707 of NRS that do not apply to the incumbent local exchange carrier during the period in which the incumbent local exchange carrier is regulated under a plan of alternative regulation.~~

~~(d) Except as otherwise provided in this paragraph and NRS 704.68952, allow the incumbent local exchange carrier to select the duration of the period in which the incumbent local exchange carrier is regulated under a plan of alternative regulation. The incumbent local exchange carrier may not select a period that is less than 3 years or more~~

(3) Including any appropriate gross operating revenue that a public utility derives from providing a high-speed Internet access service or broadband service when the Commission calculates the gross operating revenue of the public utility for the purposes of levying and collecting the annual assessment in accordance with the provisions of NRS 704.033.

3. As used in this section:

(a) "Affiliate of an incumbent local exchange carrier" has the meaning ascribed to it in section 2 of this act.

~~(b) "High-speed Internet access service" or "broadband service" means any services and underlying facilities that provide access, or enable users to access, and transmit information to and from, the Internet, and any services and underlying facilities that are capable of transmitting information, at a rate that exceeds 150 kilobits per second in at least one direction, regardless of the technology or medium used, including, but not limited to, wireless, copper wire, fiber optic cable or coaxial cable, to provide that service.~~ "Broadband service" means any two-way service that transmits information at a rate that is generally not less than 190 kilobits per second in at least one direction.

RETAIL

TO THE INTERNET

(c) "Incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.68932.

Sec. 11.2 NRS 704.020 is hereby amended to read as follows:

704.020 1. "Public utility" or "utility" includes:

(a) Any person who owns, operates, manages or controls any railroad or part of a railroad as a common carrier in this state, or cars or other equipment used thereon, or bridges, terminals, or sidetracks, or any docks or wharves or storage elevators used in connection therewith, whether or not they are owned by the railroad.

~~(b) {Telephone companies and other companies which provide telecommunication or a related} Any telephone company that provides a telecommunication service to the public, but only with regard to those operations of the telephone company which consist of providing a telecommunication service to the public.~~

ANY PERSON,

(c) ~~{Radio} Any radio or broadcasting {instrumentalities providing} company or instrumentality that provides a common or contract service.~~

ANY PERSON.

(d) ~~{All companies which own} Any company that owns cars of any kind or character, used and operated as a part of railroad trains, in or through this state.~~

All duties required of and penalties imposed upon any railroad or any officer or agent thereof are, insofar as applicable, required of and imposed upon the owner or operator of any telephone ~~{, radio and broadcasting companies, companies providing telecommunication or related services}~~ company that provides a telecommunication service to the public, any radio or broadcasting company or instrumentality that provides a common or contract service and ~~{companies which own}~~ any company