

105TH CONGRESS
1ST SESSION

S. 1354

To amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 1997

Mr. MCCAIN (for himself, Mr. CAMPBELL, Mr. INOUE, Mr. DASCHLE, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF**
4 **1934.**

5 Section 214(e) of the Communications Act of 1934
6 (47 U.S.C. 214(e)) is amended—

7 (1) by striking “(2) or (3)” in paragraph (1)
8 and inserting “(2), (3), or (6)”;

1 (2) by striking “interstate services,” in para-
2 graph (3) and inserting “interstate services or an
3 area served by a common carrier to which paragraph
4 (6) applies,”;

5 (3) by inserting “(or the Commission in the
6 case of a common carrier designated under para-
7 graph (6))” in paragraph (4) after “State commis-
8 sion” each place such term appears;

9 (4) by inserting “(or the Commission under
10 paragraph (6))” in paragraph (5) after “State com-
11 mission”; and

12 (5) by inserting after paragraph (5) the follow-
13 ing:

14 “(6) COMMON CARRIERS NOT SUBJECT TO
15 STATE COMMISSION JURISDICTION.—In the case of a
16 common carrier providing telephone exchange service
17 and exchange access that is not subject to the juris-
18 diction of a State commission, the Commission shall
19 upon request designate such a common carrier that
20 meets the requirements of paragraph (1) as an eligi-
21 ble telecommunications carrier for a service area
22 designated by the Commission consistent with appli-
23 cable federal and State law. Upon request and con-
24 sistent with the public interest, convenience and ne-
25 cessity, the Commission may, with respect to an area

1 served by a rural telephone company, and shall, in
2 the case of all other areas, designate more than one
3 common carrier as an eligible telecommunications
4 carrier for a service area designated under this para-
5 graph, so long as each additional requesting carrier
6 meets the requirements of paragraph (1). Before
7 designating an additional eligible telecommunications
8 carrier for an area served by a rural telephone com-
9 pany, the Commission shall find that the designation
10 is in the public interest.”.

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