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116-541

PRESERVING HOME AND OFFICE NUMBERS IN EMERGENCIES ACT OF 2020

SEPTEMBER 29, 2020.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

[To accompany H.R. 1289]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 1289) to amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preserving Home and Office Numbers in Emergencies Act of 2020” or the “PHONE Act of 2020”.

SEC. 2. MORATORIUM ON NUMBER REASSIGNMENT AFTER DISASTER DECLARATION.

(a) **IN GENERAL.**—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following:

“(4) **MORATORIUM ON NUMBER REASSIGNMENT AFTER DISASTER DECLARATION.**—

“(A) **IN GENERAL.**—In the case of a number assigned to a subscriber for the provision of fixed wireline voice service at a location in a designated area during a covered period—

“(i) the number may not be reassigned, except at the request of the subscriber; and

“(ii) the assignment of the number may not be rescinded or otherwise modified, except at the request of the subscriber.

“(B) **EXTENSION AT REQUEST OF SUBSCRIBER.**—During the covered period, at the request of a subscriber described in subparagraph (A), the prohibition in subparagraph (A) shall be extended for the number for 1 year after the date on which the covered period expires.

“(C) **SUBSCRIBER RIGHT TO CANCEL AND RESUBSCRIBE.**—

“(i) **IN GENERAL.**—In the case of a number described under subparagraph (A) or (B), if the subscriber assigned to such number demonstrates to the provider of the service (or, under subclause (II), any other provider of fixed wireline voice service that serves the local area) that the residence where the number is located is inaccessible or uninhabitable—

“(I) the provider may not charge the subscriber an early termination or other fee in connection with the cancellation of such service, if cancelled during the covered period or the extension of the period described in subparagraph (B); and

“(II) if the subscriber cancels the service during the covered period or the extension of the period described in subparagraph (B), the provider (or any other provider of fixed wireline voice service that serves the local area)—

“(aa) shall permit the subscriber to subscribe or resubscribe, as the case may be, to fixed wireline voice service with the number at the residence or at a different residence (if such number is available in the location of such different residence); and

“(bb) may not charge the subscriber a connection fee or any other fee relating to the initiation of fixed wireline voice service.

“(ii) **CANCELLATION WITHOUT DEMONSTRATION OF INACCESSIBILITY OR UNINHABITABILITY.**—If a subscriber cancels the provision of service assigned to a number described in subparagraph (A) or (B) and does not demonstrate to the provider of such service that the residence where the number is located is inaccessible or uninhabitable as described under clause (i), the number is no longer subject to the prohibition under subparagraph (A) or (B).

“(D) **IDENTIFICATION ON COMMISSION WEBSITE.**—The Commission shall publicly identify on the website of the Commission each designated area that is in a covered period, not later than 15 days after the submission of a public designation by a State under subparagraph (E)(iii) with respect to such area. In identifying a designated area under subparagraph (E)(iii), a State shall consult with providers of fixed wireline voice service that serve such area and coordinate with the Federal Emergency Management Agency to reasonably limit the designated area to areas that have sustained covered damage.

“(E) **DEFINITIONS.**—In this paragraph:

“(i) **COVERED DAMAGE.**—The term ‘covered damage’ means, with respect to an area—

“(I) damage that renders residences in such area inaccessible or uninhabitable; or

“(II) damage that otherwise results in the displacement of subscribers from or within such area.

“(ii) **COVERED PERIOD.**—The term ‘covered period’ means a period that—

“(I) begins on the date of a declaration by the President of a major disaster under section 401 of the Robert T. Stafford Disaster

Relief and Emergency Assistance Act (42 U.S.C. 5170) with respect to a designated area; and

“(II) ends on the date that is 1 year after such date.

“(iii) DESIGNATED AREA.—The term ‘designated area’ means a geographic area for which a State has submitted a public designation to the Commission, within 15 days after a declaration by the President of a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) with respect to such area, stipulating that the State has determined that—

“(I) covered damage was sustained in such area; and

“(II) the prohibitions described in this paragraph are necessary and in the public interest.

“(iv) VOICE SERVICE.—The term ‘voice service’ has the meaning given the term ‘voice service’ in section 227(e)(8).”

(b) AMENDMENT OF FCC RULES REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Communications Commission shall amend its rules to reflect the requirements of paragraph (4) of section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)), as added by subsection (a).

(c) APPLICABILITY.—Paragraph (4) of section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)), as added by subsection (a), shall apply with respect to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) after the date that is 180 days after the date on which the Commission announces that the Commission is capable of publicly identifying a designated area on the website of the Commission under subparagraph (D) of such paragraph (4).

I. PURPOSE AND SUMMARY

H.R. 1289, the “Preserving Home and Office Numbers in Emergencies Act of 2020” or the “PHONE Act of 2020”, was introduced on February 14, 2019, by Representatives Mike C. Thompson (D-CA), Neal P. Dunn (R-FL), Anna G. Eshoo (D-CA), John Garamendi (D-CA), Sylvia R. Garcia (D-TX), Ann M. Kuster (D-NH), Eleanor Holmes Norton (D-DC), Francis Rooney (R-FL), and Randy K. Weber, Sr. (R-TX), and referred to the Committee on Energy and Commerce. H.R. 1289 would prohibit providers of fixed wireline voice service from reassigning, rescinding, or otherwise modifying subscribers’ phone numbers in the aftermath of a major disaster declaration by the President.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Since the beginning of 2017, the President has issued a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in almost 200 instances.¹ The major disaster declarations issued over that period were triggered by a wide range of events, including tropical storms and hurricanes, severe storms and flooding, tornadoes, wildfires, earthquakes, typhoons, and mudslides.

Over a three-week period in 2017, Hurricanes Harvey, Irma, and Maria struck the United States in rapid succession, causing a combined \$265 billion in damages and widespread survivor displacement across Texas, Florida, Puerto Rico, and the U.S. Virgin Islands.² According to data from the Federal Emergency Management Agency (FEMA), hundreds of thousands of Americans were forced to seek shelter over the course of the 2017 Atlantic hurri-

¹Federal Emergency Management Agency, *Declared Disasters* (accessed Sept. 23, 2020) (<https://www.fema.gov/disasters/disaster-declarations>).

²Federal Emergency Management Agency, *2017 Hurricane Season FEMA After-Action Report at 1* (Jul. 12, 2018) (https://www.fema.gov/sites/default/files/2020-08/fema_hurricane-season-after-action-report_2017.pdf).

cane season, with FEMA and disaster relief partners providing more than one million shelter nights to displaced survivors.³

Survivors may be displaced for as little as one day or as long as multiple months, depending on the severity of the event and the extent of its damage. As of May 2018, FEMA had provided almost 60,000 households with Transitional Sheltering Assistance for a total of more than 5.3 million hotel nights because survivors' homes were either inaccessible or uninhabitable.⁴ In Texas following Hurricane Harvey, for instance, nearly 80,000 homes sustained a minimum of 18 inches of floodwater, causing nearly 780,000 residents to evacuate their homes during and after the storm.⁵

Americans in the western United States have faced similar hardship as a result of record wildfires that continue to burn across the State. So far in 2020, almost 8,000 wildfires have burned in excess of 3.6 million acres in California and damaged or destroyed more than 7,000 structures.⁶ In Oregon, wildfires have burned approximately one million acres this year and destroyed more than 3,800 structures, including more than 2,200 residences.⁷

This legislation would protect displaced survivors against the reassignment, rescission, or other modification to their phone numbers in the aftermath of a disaster event. As survivors grapple with more immediate tasks following a disaster, such as repairing or rebuilding their homes and businesses, the PHONE Act ensures that subscribers of fixed wireline voice service can retain their assigned number upon returning to their homes or businesses.

III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress the following hearing was used to develop or consider H.R. 1289:

The Subcommittee on Communications and Technology held a legislative hearing on February 27, 2020, entitled "Strengthening Communications Networks to Help Americans in Crisis." H.R. 1289 was one of eight bills included in this hearing focusing on the communication needs of Americans during and after emergencies or major disasters. The Subcommittee received testimony from the following witnesses:

- Matthew Gerst, Vice President, Regulatory Affairs, CTIA;
- Sue Ann Atkerson, CEO, Behavioral Health Link;
- Anthony Gossner, Fire Chief, City of Santa Rosa (Calif.);
- Joseph Torres, Senior Director of Strategy and Engagement, Free Press and Free Press Action;
- Daniel Henry, Regulatory Counsel and Director of Government Affairs, National Emergency Number Association; and
- Allen F. Bell, Distribution Manager, Georgia Power Company

³*Id.* at 40.

⁴*Id.* at 39.

⁵*Id.* at 39.

⁶California Department of Forestry and Fire Protection, *Incidents Overview* (accessed Sept. 23, 2020) (<https://www.fire.ca.gov/incidents/>).

⁷Oregon Office of Emergency Management, *Wildfire Response and Recovery Update* (Sept. 22, 2020) (https://govsite-assets.s3.amazonaws.com/O5fAK80VTQHQuzNuEkW2_DailyUpdateSept22.pdf).

IV. COMMITTEE CONSIDERATION

H.R. 1289, the “Preserving Home and Office Numbers in Emergencies Act of 2020” or the “PHONE Act”, was introduced on February 14, 2019, by Representatives Thompson (D–CA), Dunn (R–FL), Eshoo (D–CA), Garamendi (D–CA), Garcia (D–TX), Kuster (D–NH), Norton (D–DC), Rooney (R–FL), and Weber (R–TX), and referred to the Committee on Energy and Commerce. The bill was then referred to the Subcommittee on Communications and Technology on February 15, 2019. A legislative hearing was held on the bill on February 27, 2020.

On March 10, 2020, the Subcommittee on Communications and Technology held an open markup session, pursuant to notice, on H.R. 1289. During its consideration, an amendment in the nature of a substitute (AINS) offered by Ms. Eshoo of California was agreed to by a voice vote. The Subcommittee then agreed to a motion by Mr. Doyle of Pennsylvania, Chairman of the subcommittee, to forward H.R. 1289 favorably to the full Committee, amended, by a voice vote.

On September 9, 2020, the full Committee met in virtual open markup session, pursuant to notice, to consider in markup session H.R. 1289. During consideration of the bill, an amendment in the nature of a substitute (AINS) was offered by Ms. Eshoo and the AINS was agreed to by a voice vote. The full Committee then agreed to a motion by Mr. Pallone, Chairman of the committee, to order H.R. 1289 reported favorably to the House, amended, by a voice vote, a quorum being present.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H.R. 1289, including the motion on final passage.

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to protect subscribers of fixed wireline voice service whose residence is inaccessible or uninhabitable as a result of a disaster event.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 1289 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 1289 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 designates that the short title may be cited as the “Preserving Home and Office Numbers in Emergencies Act of 2020” or the “PHONE Act of 2020”.

Sec. 2. Moratorium on number reassignment after disaster declaration

Subsection (a) of this section amends 251(e) of the Communications Act of 1934, adding a paragraph to stipulate that a phone number assigned to a subscriber of fixed wireline voice service in

a designated area may not be reassigned, rescinded, or otherwise modified, except at the request of the subscriber, for the duration of a covered period. A covered period begins on the date of a declaration by the President of a major disaster under 42 U.S.C. 5170 and ends one year after that date. At the request of a subscriber, the prohibition on providers of fixed wireline voice service from reassigning, rescinding, or otherwise modifying a subscriber's number shall be extended for an additional year after the expiration of the covered period.

For the purposes of this legislation, a designated area is a geographic area that a State determines was subject to sustained covered damage and where the prohibition on number rescission or reassignment is necessary and in the public interest. An area that has been subject to covered damage is an area in which the damage renders residences inaccessible or uninhabitable, or that otherwise results in the displacement of subscribers from or within that area. In making a determination of a designated area under the PHONE Act, States are required to consult with providers of fixed wireline voice service that serve the affected area, and to consult with the Federal Emergency Management Agency (FEMA) to reasonably limit the designated area to areas that have been subject to covered damage. The Committee expects that States will strongly confer with FEMA to identify households in a designated area that are rendered uninhabitable, and does not intend to alter any of FEMA's current responsibilities.

The prohibitions under the PHONE Act would apply only if a State submits a public designation to the Federal Communications Commission (the Commission or the FCC), within 15 days of a declaration by the President of a major disaster, stipulating that the State has determined the area or areas being designated by the State meet the criteria in clause (i) of subparagraph (E). The Commission is then required, not later than 15 days after submission by a State, to publicly identify on the FCC website each designated area, as designated by States to the Commission, that is in a covered period. The Committee expects that States, after their consultation with FEMA, will also consult with providers of fixed wireline voice service in such area to provide information on households in a designated area that are identified to have been rendered uninhabitable as a result of the major disaster.

In the event that a subscriber of fixed wireline voice service in a designated area cancels or terminates their service during the covered period or one-year extension under subparagraph (B), a provider may not charge the subscriber an early termination or other fee if the subscriber demonstrates to the provider that the residence where the number is located is inaccessible or uninhabitable. The Committee intends for the prohibition on phone number reassignment under subparagraphs (A) and (B) to continue for the duration of the covered period and one-year extension, as the case may be, regardless of whether the subscriber cancels their service under clause (i) of paragraph (C). If, however, the subscriber cancels service but fails to demonstrate to the provider that the residence where the number is located is inaccessible or uninhabitable, the prohibitions under subparagraphs (A) and (B) would no longer apply. Still, the Committee encourages providers to assist subscribers who may not be aware of the demonstration requirement

and consider waiving the requirement, which may be burdensome to subscribers who have been displaced from their homes by a disaster.

If the subscriber, after such cancellation, seeks to resubscribe to fixed wireline voice service with their former provider or with any other provider serving the local area, the provider is required to permit the subscriber to subscribe or resubscribe with their phone number at the subscriber's original residence or at a different residence. Providers may not impose a connection fee or any other initiation fee on a subscriber who resubscribes to fixed wireline voice service after cancelling service under clause (i) of subparagraph (C).

The Commission is required, not later than 180 days after enactment, to amend its rules to reflect the requirements of paragraph 4. The requirements of paragraph 4 shall apply after the date that is 180 days after the Commission announces it is capable of publicly identifying a designated area on the FCC website.

This section provides definitions for the terms covered damage, covered period, designated area, and voice service.

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934

* * * * *

TITLE II—COMMON CARRIERS

* * * * *

PART II—DEVELOPMENT OF COMPETITIVE MARKETS

SEC. 251. INTERCONNECTION.

(a) GENERAL DUTY OF TELECOMMUNICATIONS CARRIERS.—Each telecommunications carrier has the duty—

- (1) to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers; and
- (2) not to install network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to section 255 or 256.

(b) OBLIGATIONS OF ALL LOCAL EXCHANGE CARRIERS.—Each local exchange carrier has the following duties:

- (1) RESALE.—The duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of its telecommunications services.
- (2) NUMBER PORTABILITY.—The duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission.

(3) DIALING PARITY.—The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays.

(4) ACCESS TO RIGHTS-OF-WAY.—The duty to afford access to the poles, ducts, conduits, and rights-of-way of such carrier to competing providers of telecommunications services on rates, terms, and conditions that are consistent with section 224.

(5) RECIPROCAL COMPENSATION.—The duty to establish reciprocal compensation arrangements for the transport and termination of telecommunications.

(c) ADDITIONAL OBLIGATIONS OF INCUMBENT LOCAL EXCHANGE CARRIERS.—In addition to the duties contained in subsection (b), each incumbent local exchange carrier has the following duties:

(1) DUTY TO NEGOTIATE.—The duty to negotiate in good faith in accordance with section 252 the particular terms and conditions of agreements to fulfill the duties described in paragraphs (1) through (5) of subsection (b) and this subsection. The requesting telecommunications carrier also has the duty to negotiate in good faith the terms and conditions of such agreements.

(2) INTERCONNECTION.—The duty to provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier's network—

(A) for the transmission and routing of telephone exchange service and exchange access;

(B) at any technically feasible point within the carrier's network;

(C) that is at least equal in quality to that provided by the local exchange carrier to itself or to any subsidiary, affiliate, or any other party to which the carrier provides interconnection; and

(D) on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, in accordance with the terms and conditions of the agreement and the requirements of this section and section 252.

(3) UNBUNDLED ACCESS.—The duty to provide, to any requesting telecommunications carrier for the provision of a telecommunications service, nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory in accordance with the terms and conditions of the agreement and the requirements of this section and section 252. An incumbent local exchange carrier shall provide such unbundled network elements in a manner that allows requesting carriers to combine such elements in order to provide such telecommunications service.

(4) RESALE.—The duty—

(A) to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers; and

(B) not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of such telecommunications service, except that a State commission may, consistent with regulations prescribed by the Commission under this section, prohibit a reseller that obtains at wholesale rates a telecommunications service that is available at retail only to a category of subscribers from offering such service to a different category of subscribers.

(5) NOTICE OF CHANGES.—The duty to provide reasonable public notice of changes in the information necessary for the transmission and routing of services using that local exchange carrier's facilities or networks, as well as of any other changes that would affect the interoperability of those facilities and networks.

(6) COLLOCATION.—The duty to provide, on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the local exchange carrier, except that the carrier may provide for virtual collocation if the local exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—Within 6 months after the date of enactment of the Telecommunications Act of 1996, the Commission shall complete all actions necessary to establish regulations to implement the requirements of this section.

(2) ACCESS STANDARDS.—In determining what network elements should be made available for purposes of subsection (c)(3), the Commission shall consider, at a minimum, whether—

(A) access to such network elements as are proprietary in nature is necessary; and

(B) the failure to provide access to such network elements would impair the ability of the telecommunications carrier seeking access to provide the services that it seeks to offer.

(3) PRESERVATION OF STATE ACCESS REGULATIONS.—In prescribing and enforcing regulations to implement the requirements of this section, the Commission shall not preclude the enforcement of any regulation, order, or policy of a State commission that—

(A) establishes access and interconnection obligations of local exchange carriers;

(B) is consistent with the requirements of this section; and

(C) does not substantially prevent implementation of the requirements of this section and the purposes of this part.

(e) NUMBERING ADMINISTRATION.—

(1) COMMISSION AUTHORITY AND JURISDICTION.—The Commission shall create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis. The Commission shall have exclusive jurisdiction over those portions of the

North American Numbering Plan that pertain to the United States. Nothing in this paragraph shall preclude the Commission from delegating to State commissions or other entities all or any portion of such jurisdiction.

(2) COSTS.—The cost of establishing telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission.

(3) UNIVERSAL EMERGENCY TELEPHONE NUMBER.—The Commission and any agency or entity to which the Commission has delegated authority under this subsection shall designate 9–1–1 as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance. The designation shall apply to both wireline and wireless telephone service. In making the designation, the Commission (and any such agency or entity) shall provide appropriate transition periods for areas in which 9–1–1 is not in use as an emergency telephone number on the date of enactment of the Wireless Communications and Public Safety Act of 1999.

(4) MORATORIUM ON NUMBER REASSIGNMENT AFTER DISASTER DECLARATION.—

(A) *IN GENERAL.*—*In the case of a number assigned to a subscriber for the provision of fixed wireline voice service at a location in a designated area during a covered period—*

(i) the number may not be reassigned, except at the request of the subscriber; and

(ii) the assignment of the number may not be rescinded or otherwise modified, except at the request of the subscriber.

(B) *EXTENSION AT REQUEST OF SUBSCRIBER.*—*During the covered period, at the request of a subscriber described in subparagraph (A), the prohibition in subparagraph (A) shall be extended for the number for 1 year after the date on which the covered period expires.*

(C) *SUBSCRIBER RIGHT TO CANCEL AND RESUBSCRIBE.*—

(i) IN GENERAL.—*In the case of a number described under subparagraph (A) or (B), if the subscriber assigned to such number demonstrates to the provider of the service (or, under subclause (II), any other provider of fixed wireline voice service that serves the local area) that the residence where the number is located is inaccessible or uninhabitable—*

(I) the provider may not charge the subscriber an early termination or other fee in connection with the cancellation of such service, if cancelled during the covered period or the extension of the period described in subparagraph (B); and

(II) if the subscriber cancels the service during the covered period or the extension of the period described in subparagraph (B), the provider (or any other provider of fixed wireline voice service that serves the local area)—

(aa) shall permit the subscriber to subscribe or resubscribe, as the case may be, to fixed

wireline voice service with the number at the residence or at a different residence (if such number is available in the location of such different residence); and

(bb) may not charge the subscriber a connection fee or any other fee relating to the initiation of fixed wireline voice service.

(ii) CANCELLATION WITHOUT DEMONSTRATION OF INACCESSIBILITY OR UNINHABITABILITY.—If a subscriber cancels the provision of service assigned to a number described in subparagraph (A) or (B) and does not demonstrate to the provider of such service that the residence where the number is located is inaccessible or uninhabitable as described under clause (i), the number is no longer subject to the prohibition under subparagraph (A) or (B).

(D) IDENTIFICATION ON COMMISSION WEBSITE.—The Commission shall publicly identify on the website of the Commission each designated area that is in a covered period, not later than 15 days after the submission of a public designation by a State under subparagraph (E)(iii) with respect to such area. In identifying a designated area under subparagraph (E)(iii), a State shall consult with providers of fixed wireline voice service that serve such area and coordinate with the Federal Emergency Management Agency to reasonably limit the designated area to areas that have sustained covered damage.

(E) DEFINITIONS.—In this paragraph:

(i) COVERED DAMAGE.—The term “covered damage” means, with respect to an area—

(I) damage that renders residences in such area inaccessible or uninhabitable; or

(II) damage that otherwise results in the displacement of subscribers from or within such area.

(ii) COVERED PERIOD.—The term “covered period” means a period that—

(I) begins on the date of a declaration by the President of a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) with respect to a designated area; and

(II) ends on the date that is 1 year after such date.

(iii) DESIGNATED AREA.—The term “designated area” means a geographic area for which a State has submitted a public designation to the Commission, within 15 days after a declaration by the President of a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) with respect to such area, stipulating that the State has determined that—

(I) covered damage was sustained in such area; and

(II) the prohibitions described in this paragraph are necessary and in the public interest.

(iv) *VOICE SERVICE.*—The term “voice service” has the meaning given the term “voice service” in section 227(e)(8).

(f) EXEMPTIONS, SUSPENSIONS, AND MODIFICATIONS.—

(1) EXEMPTION FOR CERTAIN RURAL TELEPHONE COMPANIES.—

(A) EXEMPTION.—Subsection (c) of this section shall not apply to a rural telephone company until (i) such company has received a bona fide request for interconnection, services, or network elements, and (ii) the State commission determines (under subparagraph (B)) that such request is not unduly economically burdensome, is technically feasible, and is consistent with section 254 (other than subsections (b)(7) and (c)(1)(D) thereof).

(B) STATE TERMINATION OF EXEMPTION AND IMPLEMENTATION SCHEDULE.—The party making a bona fide request of a rural telephone company for interconnection, services, or network elements shall submit a notice of its request to the State commission. The State commission shall conduct an inquiry for the purpose of determining whether to terminate the exemption under subparagraph (A). Within 120 days after the State commission receives notice of the request, the State commission shall terminate the exemption if the request is not unduly economically burdensome, is technically feasible, and is consistent with section 254 (other than subsections (b)(7) and (c)(1)(D) thereof). Upon termination of the exemption, a State commission shall establish an implementation schedule for compliance with the request that is consistent in time and manner with Commission regulations.

(C) LIMITATION ON EXEMPTION.—The exemption provided by this paragraph shall not apply with respect to a request under subsection (c) from a cable operator providing video programming, and seeking to provide any telecommunications service, in the area in which the rural telephone company provides video programming. The limitation contained in this subparagraph shall not apply to a rural telephone company that is providing video programming on the date of enactment of the Telecommunications Act of 1996.

(2) SUSPENSIONS AND MODIFICATIONS FOR RURAL CARRIERS.—A local exchange carrier with fewer than 2 percent of the Nation’s subscriber lines installed in the aggregate nationwide may petition a State commission for a suspension or modification of the application of a requirement or requirements of subsection (b) or (c) to telephone exchange service facilities specified in such petition. The State commission shall grant such petition to the extent that, and for such duration as, the State commission determines that such suspension or modification—

(A) is necessary—

(i) to avoid a significant adverse economic impact on users of telecommunications services generally;

(ii) to avoid imposing a requirement that is unduly economically burdensome; or

(iii) to avoid imposing a requirement that is technically infeasible; and

(B) is consistent with the public interest, convenience, and necessity.

The State commission shall act upon any petition filed under this paragraph within 180 days after receiving such petition. Pending such action, the State commission may suspend enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers.

(g) CONTINUED ENFORCEMENT OF EXCHANGE ACCESS AND INTERCONNECTION REQUIREMENTS.—On and after the date of enactment of the Telecommunications Act of 1996, each local exchange carrier, to the extent that it provides wireline services, shall provide exchange access, information access, and exchange services for such access to interexchange carriers and information service providers in accordance with the same equal access and nondiscriminatory interconnection restrictions and obligations (including receipt of compensation) that apply to such carrier on the date immediately preceding the date of enactment of the Telecommunications Act of 1996 under any court order, consent decree, or regulation, order, or policy of the Commission, until such restrictions and obligations are explicitly superseded by regulations prescribed by the Commission after such date of enactment. During the period beginning on such date of enactment and until such restrictions and obligations are so superseded, such restrictions and obligations shall be enforceable in the same manner as regulations of the Commission.

(h) DEFINITION OF INCUMBENT LOCAL EXCHANGE CARRIER.—

(1) DEFINITION.—For purposes of this section, the term “incumbent local exchange carrier” means, with respect to an area, the local exchange carrier that—

(A) on the date of enactment of the Telecommunications Act of 1996, provided telephone exchange service in such area; and

(B)(i) on such date of enactment, was deemed to be a member of the exchange carrier association pursuant to section 69.601(b) of the Commission’s regulations (47 C.F.R. 69.601(b)); or

(ii) is a person or entity that, on or after such date of enactment, became a successor or assign of a member described in clause (i).

(2) TREATMENT OF COMPARABLE CARRIERS AS INCUMBENTS.—The Commission may, by rule, provide for the treatment of a local exchange carrier (or class or category thereof) as an incumbent local exchange carrier for purposes of this section if—

(A) such carrier occupies a position in the market for telephone exchange service within an area that is comparable to the position occupied by a carrier described in paragraph (1);

(B) such carrier has substantially replaced an incumbent local exchange carrier described in paragraph (1); and

(C) such treatment is consistent with the public interest, convenience, and necessity and the purposes of this section.

(i) SAVINGS PROVISION.—Nothing in this section shall be construed to limit or otherwise affect the Commission’s authority under section 201.

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