

108TH CONGRESS
2D SESSION

H. R. 4757

To promote deployment of and investment in advanced Internet
communications services.

IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2004

Mr. STEARNS (for himself and Mr. BOUCHER) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To promote deployment of and investment in advanced
Internet communications services.

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. SHORT TITLE.**

4 This Act may be cited as the “Advanced Internet
5 Communications Services Act of 2004”.

6 **SEC. 2. REGULATORY TREATMENT.**

7 (a) CONSIDERATION AS INTERSTATE SERVICE.—An
8 advanced Internet communications service shall be consid-
9 ered an interstate service.

1 (b) REGULATORY TREATMENT.—An advanced Inter-
2 net communications service shall be considered neither a
3 telecommunications service nor an information service for
4 purposes of the Communications Act of 1934 (47 U.S.C.
5 151 et seq.).

6 (c) LIMITATION.—Subject to section 3, but notwith-
7 standing this section or any other provision of law, neither
8 the Federal Communications Commission nor any State
9 may regulate the rates, charges, terms, or conditions for,
10 or entry into, or exit from, the provision of, any advanced
11 Internet communications service.

12 **SEC. 3. COMMISSION EXCLUSIVE AUTHORITY REGARDING**
13 **ADVANCED INTERNET COMMUNICATIONS**
14 **SERVICES.**

15 (a) DETERMINATION REGARDING REQUIREMENTS
16 AND OBLIGATIONS.—

17 (1) IN GENERAL.—The Commission shall have
18 exclusive authority regarding advanced Internet
19 communications services, and shall, by regulation,
20 impose requirements or obligations on providers of
21 advanced Internet communications voice service to
22 carry out the following purposes:

23 (A) Ensure that appropriate E-911 serv-
24 ices are available to users of advanced Internet
25 communications voice services.

1 (B) Provide access to such service by per-
2 sons with disabilities.

3 (C) Contribute directly to the universal
4 service fund.

5 (D) Provide for just and reasonable com-
6 pensation for use of the public switched tele-
7 phone network.

8 (2) STANDARD.—The Commission may estab-
9 lish regulations imposing requirements or obligations
10 referred to in paragraph (1) only to the extent that
11 the Commission determines such regulations are
12 technically feasible and economically reasonable.

13 (3) PARITY AMONG PROVIDERS.—The Commis-
14 sion shall ensure that the requirements or obliga-
15 tions referred to in paragraph (1) apply equally to
16 all providers of advanced Internet communications
17 voice services, and neither the Commission nor any
18 State may regulate the underlying Internet Protocol
19 transmission networks, facilities, or equipment that
20 support or transmit any advanced Internet commu-
21 nications voice service in a manner that results in
22 the unequal application of regulation to any Internet
23 Protocol network, facilities, or equipment as com-
24 pared to any other such network, facilities, or equip-
25 ment.

1 (b) RULEMAKING PROCEEDING.—Within 180 days
2 after the date of the enactment of this Act, the Commis-
3 sion shall initiate and complete a proceeding to make the
4 determinations required under subsection (a).

5 (c) REGULATIONS.—Not later than 60 days after the
6 completion of the proceeding pursuant to subsection (b),
7 the Commission shall issue any regulations pursuant to
8 such proceeding.

9 **SEC. 4. DEFINITIONS.**

10 For purposes of this Act:

11 (1) ADVANCED INTERNET COMMUNICATIONS
12 SERVICE.—The term “advanced Internet commu-
13 nications service” means an IP network and the as-
14 sociated capabilities and functionalities, services, and
15 applications provided over an Internet protocol plat-
16 form or for which an Internet protocol capability is
17 an integral component, and services and applications
18 that enable an end user to send or receive a commu-
19 nication in Internet protocol format, regardless of
20 whether the communication is voice, data, video, or
21 any other form.

22 (2) ADVANCED INTERNET COMMUNICATIONS
23 VOICE SERVICE.—The term “advanced Internet com-
24 munications voice service” means an advanced Inter-
25 net communications service that is offered to the

1 public for a fee, and that provides real-time voice
2 communications, and in which that voice component
3 is the primary function of the service.

4 (3) COMMISSION.—The term “Commission”
5 means the Federal Communications Commission.

6 (4) IP NETWORK.—The term “IP network”
7 means the facilities used to transmit and to encode,
8 digitize, packetize, or route advanced Internet com-
9 munications services in an Internet Protocol format,
10 including routers, softswitches, gateways, packet
11 switches, and transmission facilities.

12 (5) INTERNET PROTOCOL.—The term “Internet
13 protocol” means the Transmission Control Protocol/
14 Internet Protocol, or any predecessor or successor
15 protocols to such protocol.

16 (6) PUBLIC SWITCHED TELEPHONE NET-
17 WORK.—The term “public switched telephone net-
18 work” means the collection of interconnected circuit
19 switched telecommunications.

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