

1 AN ACT relating to customer notices from broadband service providers.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 278.5462 is amended to read as follows:

- 4 (1) The provision of broadband services shall be market-based and not subject to state
5 administrative regulation. Notwithstanding any other provision of law to the
6 contrary except as provided in subsections (3) and (4) of this section, no agency of
7 the state shall impose or implement any requirement upon a broadband service
8 provider with respect to the following:
- 9 (a) The availability of facilities or equipment used to provide broadband services;
 - 10 or
 - 11 (b) The rates, terms or conditions for, or entry into, the provision of broadband
12 service.
- 13 (2) Any requirement imposed upon broadband service in existence as of July 15, 2004,
14 is hereby voided upon enactment of KRS 278.546 to 278.5462. The provisions of
15 this section do not limit or modify the duties of a local exchange carrier or an
16 affiliate of a local exchange carrier to provide unbundled access to network
17 elements or the commission's authority to arbitrate and enforce interconnection
18 agreements, including provisions related to remote terminals and central office
19 facilities, to the extent required under 47 U.S.C. secs. 251 and 252, and any
20 regulations issued by the Federal Communications Commission at rates determined
21 in accordance with the standards established by the Federal Communications
22 Commission pursuant to 47 C.F.R. secs. 51.503 to 51.513, inclusive of any
23 successor regulations. Nothing contained in KRS 278.546 to 278.5462 shall be
24 construed to preclude the application of access or other lawful rates and charges to
25 broadband providers. Nothing contained in KRS 278.546 to 278.5462 shall
26 preclude, with respect to broadband services, access for those service providers that
27 use or make use of the publicly switched network.

- 1 (3) Every broadband service provider shall notify its customers within thirty (30)
2 minutes of any planned or unplanned outage that is anticipated to last more than
3 six (6) hours. The notice shall inform the customer of an estimated time of when
4 the service outage will end. The broadband service provider shall not require
5 customers to enroll in order to receive notifications. Notification from the
6 broadband service provider may be in the form of text, phone call, email, or
7 voicemail. The notice requirement shall be included as a provision in all of the
8 broadband service provider's customer service contracts and franchise
9 agreements with local governments entered into after the effective date of this
10 Act. The commission ~~shall~~^{may} assist in the resolution of consumer service
11 complaints regarding noncompliance with customer outage notifications under
12 this subsection and may assist the customer with the resolution of other customer
13 service complaints.
- 14 (4) No telephone utility shall refuse to provide wholesale digital subscriber line service
15 to competing local exchange carriers on the same terms and conditions, filed in
16 tariff with the Federal Communications Commission, that it provides to Internet
17 service providers.