

AN ACT

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Columbia
Official Code

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend An Act Making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and the Telecommunications Competition Act of 1996 to exempt Voice Over Internet Protocol Service and Internet Protocol-enabled service from regulation as a telecommunications service in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Telecommunications Competition Amendment Act of 2008”.

Sec. 2. The first sentence of section 8(92) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, approved March 4, 1913 (37 Stat. 993; D.C. Official Code § 34-403), is amended by striking the period and inserting the phrase “; provided further, that Internet Protocol-enabled Service, as defined in section 2(7A) of the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001(7A)), or Voice Over Internet Protocol-enabled Service, as defined in section 2(23) of the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001(23)), shall not be regulated by the Commission.” in its place.

Amend
§ 34-403

Sec. 3. The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 34-2001) is amended as follows:

Amend
§ 34-2001

(1) A new paragraph (7A) is added to read as follows:

“(7A) “Internet Protocol-enabled Service” means any service, capability, functionality, or application provided using Internet protocol (or any successor protocol), that enables an end user to send or receive a communication in Internet protocol format (or any successor format), regardless of whether the communication is voice, data, or video.”.

(2) A new paragraph (19A) is added to read as follows:

“(19A) “Telecommunications Relay Service” means a transmission service that provides the hearing-impaired or speech-impaired the ability to engage in communication by

wire or radio with a non-hearing-impaired individual. The term “Telecommunications Relay Service” shall include services that enable 2-way communication between an individual who uses a telecommunications device for the deaf or other non-voice terminal device and an individual who does not use such a device.”.

(3) A new paragraph (23) is added to read as follows:

“(23)(A) “Voice Over Internet Protocol Service” means any service that:

“(i) Enables real-time 2-way voice communications that originate or terminate from the user’s location using Internet protocol or a successor protocol; and

“(ii) Uses a broadband connection from the user’s location.

“(B) The term “Voice Over Internet Protocol Service” shall include any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.”.

(b) Section 4(b) (D.C. Official Code § 34-2003(b)) is amended as follows:

Amend
§ 34-2003

(1) Strike the phrase “local exchange carriers” and insert the phrase “local exchange carriers and Voice Over Internet Protocol Service providers” in its place.

(2) Strike the phrase “LEC’s share” and insert the phrase “LEC’s share and Voice Over Internet Protocol Service provider’s share” in its place.

(c) Section 7 (D.C. Official Code § 34-2006) is amended by adding a new subsection (c) to read as follows:

Amend
§ 34-2006

“(c) This act shall not:

“(1) Apply to the provision, rates, charges, or terms of service of Voice Over Internet Protocol Service or Internet Protocol-enabled Service;

“(2) Alter the authority of the Commission to enforce the requirements as are otherwise provided for, or allowed by, federal law, including the collection of Telecommunications Relay Service fees and universal service fees;

“(3) Alter the authority of the Office of Cable Television and Telecommunications with respect to the provision of video services in the District of Columbia; or

“(4) Alter the Commission’s existing authority over the regulation of circuit-switched local exchange services in the District of Columbia.”.

(d) Section 10 (D.C. Official Code § 34-2008) is amended by adding a new subsection (d) to read as follows:

Amend
§ 34-2008

“(d) Two years after the effective date of the Telecommunications Competition Amendment Act of 2008, passed on 2nd reading on April 1, 2008 (Enrolled version of Bill 17-332) (“VOIP act”), the People’s Counsel shall issue a report on the effect of the absence of local regulation of Voice Over Internet Protocol Service telecommunications service in the District of Columbia. The report shall be a general analysis of the impacts and effects of the VOIP act on consumers. The report shall also include an examination of the market availability of Voice Over Internet Protocol Service technology to consumers.”.

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Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia