

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph R. Driscoll, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to promote innovation, broadband deployment and investment in internet protocol services.

PETITION OF:

NAME:

Joseph R. Driscoll, Jr.

DISTRICT/ADDRESS:

5th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROMOTE INNOVATION, BROADBAND DEPLOYMENT AND INVESTMENT IN INTERNET PROTOCOL SERVICES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Whereas, the deferred operation of this act would tend to defeat its
2 purpose, which is forthwith to promote innovation, broadband deployment and
3 investment in new technologies using Internet Protocol, therefore it is hereby declared
4 to be an emergency law, necessary for the immediate preservation of the public
5 convenience;

6
7 Be it enacted by the Senate and House of Representatives in General Court
8 assembled, and by the authority of the same, as follows:

9
10 SECTION 1: The General Court finds that growth and enhancement of advanced
11 services using Internet Protocol technology provide Massachusetts consumers more
12 choice in advanced services than at any other time. The proliferation of new
13 technologies and applications and the growing number of providers developing and
14 offering innovative services using Internet Protocol are due in large part to little barrier
15 to investment, including freedom from state laws and regulations governing traditional
16 telephone service, that these technologies have enjoyed in the Commonwealth, as well
17 as recognition that federal law is more uniform in its oversight of Internet Protocol-
18 enabled services. The economic benefits, including consumer choice, new jobs and
19 significant capital investment, will be jeopardized and competition minimized by the
20 imposition of traditional State entry, rate and service term regulation on Voice-over-
21 Internet Protocol Service and Internet Protocol-enabled service.

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23 SECTION 2: The following words and phrases when used in this act shall

24 have the meanings given to them in this section:

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26 "Voice-over-Internet Protocol Service" or "VoIP Service." Any service that:

- 27 (a) enables real-time, two-way voice communications that originate from or terminate
- 28 to the user's location in Internet Protocol or any successor protocol;
- 29 (b) uses a broadband connection from the user's location; and
- 30 (c) permits users generally to receive calls that originate on the public switched
- 31 telephone network and to terminate calls to the public switched telephone network.

32

33 "Internet Protocol-enabled service" or "IP-enabled service." Except as provided in the
34 definition of "Voice-over-Internet Protocol service" herein, any service, capability,
35 functionality, or application provided using Internet Protocol, or any successor protocol,
36 that enables an end user to send or receive a communication in Internet Protocol format
37 or any successor format, regardless of whether the communication is voice, data or
38 video.

39

40 SECTION 3: Except as set forth in Sections 4, 5, and 6, and NOTWITHSTANDING any
41 other provision of law, no department, agency, commission or political subdivision of
42 the Commonwealth, shall enact, adopt or enforce, either directly or indirectly, any law,
43 rule, regulation, ordinance, standard, order or other provision having the force or effect
44 of law that regulates, or has the effect of regulating, the entry, rates, terms or conditions
45 of VoIP Service or IP-enabled service.

46

47 SECTION 4. Nothing in this act shall be construed to affect the authority of the Attorney
48 General, or its agencies' application or enforcement of laws, to enforce the provisions of
49 chapter ninety-three A.

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51 SECTION 5. Nothing in this act shall be construed to affect, mandate or prohibit the
52 assessment of nondiscriminatory enhanced 911 fees or telecommunications relay
53 service fees.

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55 SECTION 6. Nothing in this act may be construed to modify or affect the rights or
56 obligations of any carrier pursuant to 47 U.S.C. s.251 or 47 U.S.C. s.252.

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58 SECTION 7. This act shall take effect immediately.

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