

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael W. Morrissey

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 relative to deployment and investment in advanced voice services.

PETITION OF:

NAME:

Michael W. Morrissey

DISTRICT/ADDRESS:

Norfolk and Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO DEPLOYMENT AND INVESTMENT IN ADVANCED VOICE 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 SECTION 1: The General Court finds that growth and enhancement of advanced services using
2 Internet Protocol technology provide Massachusetts consumers more choice in advanced services than at
3 any other time. The proliferation of new technologies and applications and the growing number of
4 providers developing and offering innovative services using Internet Protocol are due in large part to little
5 barrier to investment, including freedom from state laws and regulations governing traditional telephone
6 service, that these technologies have enjoyed in the Commonwealth, as well as recognition that federal
7 law is more uniform in its oversight of Internet Protocol-enabled services. The economic benefits,
8 including consumer choice, new jobs and significant capital investment, will be jeopardized and
9 competition minimized by the imposition of traditional State entry, rate and service term regulation on
10 Voice-over-Internet Protocol Service and Internet Protocol-enabled service.

11
12 SECTION 2: The following words and phrases when used in this act shall have the meanings given to
13 them in this section:

14
15 "Voice-over-Internet Protocol Service" or "VoIP Service." Any service that:

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

21
22 "Internet Protocol-enabled service" or "IP-enabled service." Except as provided in the definition of
23 "Voice-over-Internet Protocol service" herein, any service, capability, functionality, or application
24 provided using Internet Protocol, or any successor protocol, that enables an end user to send or receive a
25 communication in Internet Protocol format or any successor format, regardless of whether the
26 communication is voice, data or video.
27

28 SECTION 3: Except as set forth in Sections 4, 5, and 6, and NOTWITHSTANDING any other provision
29 of law, no department, agency, commission or political subdivision of the Commonwealth, shall enact,
30 adopt or enforce, either directly or indirectly, any law, rule, regulation, ordinance, standard, order or other
31 provision having the force or effect of law that regulates, or has the effect of regulating, the entry, rates,
32 terms or conditions of VoIP Service or IP-enabled service.
33

34 SECTION 4. Nothing in this act shall be construed to affect the authority of the Attorney General, or its
35 agencies' application or enforcement of laws, to enforce the provisions of chapter ninety-three A.
36

37 SECTION 5. Nothing in this act shall be construed to affect, mandate or prohibit the assessment of
38 nondiscriminatory enhanced 911 fees or telecommunications relay service fees.
39

40 SECTION 6. Nothing in this act may be construed to modify or affect the rights or obligations of
41 any carrier pursuant to 47 U.S.C. s.251 or 47 U.S.C. s.252.
42

43 SECTION 7. This act shall take effect upon passage.