

ASSEMBLY, No. 2476

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Assemblymen CHARLES and DeCROCE

1 AN ACT concerning the provision of telephone services and
2 amending P.L.1991, c.428.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 4 of P.L.1991, c.428 (C.48:2-21.19) is amended to read
8 as follows:

9 4. a. Notwithstanding the provisions of R.S.48:2-18, R.S.48:2-21,
10 section 31 of P.L.1962, c.198 (C.48:2-21.2), R.S.48:3-1, or any other
11 law to the contrary, the board shall not regulate, fix or prescribe the
12 rates, tolls, charges, rate structures, terms and conditions of service,
13 rate base, rate of return, and cost of service, of competitive services.
14 The board may require the local exchange telecommunications
15 company or interexchange telecommunications carrier to file and
16 maintain tariffs for competitive telecommunications services.

17 b. The board is authorized to determine, after notice and hearing,
18 whether a telecommunications service is a competitive service. In
19 making such a determination, the board shall develop standards of
20 competitive service which, at a minimum, shall include evidence of
21 ease of market entry; presence of other competitors; and the
22 availability of like or substitute services in the relevant geographic
23 area.

24 c. The board may determine, by rule, order, or in accordance with
25 the provisions of a plan filed pursuant to subsection a. of section 3 of
26 this act, what reports are necessary to monitor the competitiveness of
27 any telecommunications service.

28 d. The board shall have the authority to reclassify any
29 telecommunications service that it has previously found to be
30 competitive if, after notice and hearing, it determines that sufficient
31 competition is no longer present, upon application of the criteria set
32 forth in subsection b. of this section. Upon such a reclassification,
33 subsection a. of this section shall no longer apply and the board may
34 determine such rates for that telecommunications service which it finds

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 to be just and reasonable. The board, however, shall continue to
2 monitor the telecommunications service and, whenever the board shall
3 find that the telecommunications service has again become sufficiently
4 competitive pursuant to subsection b. of this section, the board shall
5 again apply the provisions of subsection a. of this section.

6 e. Notwithstanding the provisions of subsection a. of this section,
7 the following safeguards shall apply to the offering of any competitive
8 service by a local exchange telecommunications company:

9 (1) the local exchange telecommunications company shall unbundle
10 each noncompetitive service which is incorporated in the competitive
11 service and shall make all such noncompetitive services separately
12 available to any customer under tariffed terms and conditions,
13 including price, that are identical to those used by the local exchange
14 telecommunications company in providing its competitive service;

15 (2) the rate which a local exchange telecommunications company
16 charges for a competitive service shall exceed the rates charged to
17 others for any noncompetitive services used by the local exchange
18 telecommunications company to provide the competitive service;

19 (3) tariffs for competitive services filed with the board shall either
20 be in the public records, or, if the board determines that the rates are
21 proprietary, shall be filed under seal and made available under the
22 terms of an appropriate protective agreement, such as those used in
23 cases before the board; and

24 (4) nothing in this act shall limit the authority of the board,
25 pursuant to R.S.48:3-1, to ensure that local exchange
26 telecommunications companies do not make or impose unjust
27 preferences, discriminations, or classifications for noncompetitive
28 services.

29 f. Notwithstanding the provisions of subsection a. of this section,
30 local exchange telecommunications companies shall be required to
31 provide their telephone subscribers with one out-of-service area
32 telephone directory free of charge. The provision of this service shall
33 be limited to one free out-of-service area telephone directory per
34 subscriber per calendar year.

35 (cf: P.L.1991, c.428, s.4.)

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37 2. This act shall take effect immediately.

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STATEMENT

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42 This bill would require telephone companies to provide their
43 subscribers with one out-of-service area telephone directory free of
44 charge.

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3 Requires telephone companies to provide one out-of-service area

4 telephone directory free of charge.