

Resolution on NARUC Telecommunications Legislative Reform

WHEREAS, Modern, efficient telecommunications capabilities are essential to the preservation of the public health, safety, and welfare, and the vitality of the nation's economy; *and*

WHEREAS, States and the federal government have significant responsibilities to ensure that all citizens continue to have access to modern, affordable, high quality, and reliable telecommunications capabilities; *and*

WHEREAS, While market forces may change the need for certain economic regulatory oversight, the need for State consumer protections is likely to continue; *and*

WHEREAS, States by nature of their local accountability have particular interests and responsibilities in preserving public health and safety, including assuring the provisioning of E911 and maintenance of outside plant, maintaining consumer protections, maintaining affordable services, including very strong interests in maintaining universal service, ensuring accessibility for individuals with disabilities, promoting the deployment of advanced technologies and services, ensuring service quality and reliability, and maintaining conditions for fair competition; *and*

WHEREAS, Consumers are more accustomed to addressing problems with telecommunications services at the State level, and States have established structures and expertise necessary to respond to those concerns and have over a century of experience effectively and economically resolving consumer and commercial complaints; *and*

WHEREAS, In anticipation of efforts to amend existing national telecommunications law in response to the evolving telecommunications marketplace, the National Association of Regulatory Utility Commissioners (NARUC) has established a Legislative Task Force to develop a legislative proposal for NARUC's consideration; *and*

WHEREAS, On February 16, 2005, the NARUC Board of Directors adopted a resolution directing the Legislative Task Force to expeditiously consider a specific list of issues to develop further policy specificity and a consensus document for consideration by the Consumer Affairs and Telecommunications Committees; *and*

WHEREAS, Members of the Legislative Task Force, the Telecommunications Committee, the Consumer Affairs Committee, and the Washington Action Committee have exchanged ideas and considered those issues through questionnaires and conference calls; *and*

WHEREAS, Those deliberations reveal a growing consensus that NARUC should support establishment of a new regulatory framework that recognizes the particular strengths and interests of the federal, State, and local levels of government; *and*

WHEREAS, The traditional call endpoint method of determining regulatory jurisdiction is deemed by most task force members to be obsolete; *and*

WHEREAS, The members' deliberations also reflect recognition of the need for government at all levels to be able to adapt their exercise of regulation to reflect evolving market conditions; *and*

WHEREAS, The Legislative Task Force has developed the attached White Paper, entitled *Federalism and Telecom*, outlining the States' interests, expertise, and proposals for federal legislative reform; *now, therefore, be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its July 2005 Summer Meetings in Austin, Texas, adopts the attached *Federalism and Telecom* white paper; *and be it further*

RESOLVED, That any fundamental reform of national telecommunications law should assign regulatory authority on the basis of regulatory function, rather than on the traditional basis of call endpoints; *and be it further*

RESOLVED, That any effort to reform national telecommunications law should provide to all relevant levels of government the flexibility to respond as needed to evolving market circumstances; *and be it further*

RESOLVED, That any new regulatory framework should recognize the particular expertise and interests of the federal, State, and local levels of government and should recognize that States have particular expertise and interest in retail rate, service quality, network reliability, and consumer-related issues, in preserving universal service, in ensuring public safety, and in promoting competition through implementation of federal policies and, where appropriate, development of tailored State policies; *and be it further*

RESOLVED, Any new regulatory framework should allow the States to perform a strong consumer-focused role, and in particular ensure that States are able to:

- Provide a local venue for investigation, alternative dispute resolution and prompt and efficient resolution of both intercarrier disputes and consumer-to-company disputes;
- Investigate adequately and take enforcement actions against violations of State laws regarding deceptive, misleading or fraudulent business practices, including slamming and cramming;
- Maintain basic consumer protections such as the terms and conditions of service, contract disclosures, quality of service standards and reliable E911 services;
- Initiate consumer education efforts, in cooperation with the FCC, to properly inform consumers of their rights; and
- Ensure that the special needs of customers are met through programs such as distribution of specialized equipment, Lifeline and Link-up and Relay services; *and be it further*

RESOLVED, That the NARUC General Counsel shall represent these views before Congress by all appropriate means.

*Sponsored by the Telecommunications Committee and Consumer Affairs Committee
Adopted by the NARUC Board of Directors July 27, 2005*