

This Document can be made available  
in alternative formats upon request

# State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **776**

02/12/2015 Authored by Sanders, Atkins, Kresha, Hoppe, Davids and others

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act  
1.2 relating to telecommunications; prohibiting regulation of voice-over-Internet  
1.3 protocol service and Internet protocol-enabled service; amending Minnesota  
1.4 Statutes 2014, section 237.01, by adding subdivisions; proposing coding for new  
1.5 law in Minnesota Statutes, chapter 237.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 237.01, is amended by adding a  
1.8 subdivision to read:

1.9 Subd. 9. **Voice-over-Internet protocol service.** "Voice-over-Internet protocol  
1.10 service" or "VoIP service" means any service that (1) enables real-time two-way voice  
1.11 communications that originate from or terminate to the user's location in Internet protocol  
1.12 or any successor protocol, and (2) permits users generally to receive calls that originate  
1.13 on the public switched telephone network and terminate calls to the public switched  
1.14 telephone network.

1.15 Sec. 2. Minnesota Statutes 2014, section 237.01, is amended by adding a subdivision  
1.16 to read:

1.17 Subd. 10. **Internet protocol-enabled service.** "Internet protocol-enabled service"  
1.18 or "IP-enabled service" means any service, capability, functionality, or application  
1.19 provided using Internet protocol, or any successor protocol, that enables an end user to  
1.20 send or receive a communication in Internet protocol format or any successor format,  
1.21 regardless of whether that communication is voice, data, or video.

1.22 Sec. 3. **[237.037] VOICE-OVER-INTERNET PROTOCOL SERVICE AND**  
1.23 **INTERNET PROTOCOL-ENABLED SERVICE.**

2.1            Subdivision 1. **Regulation prohibited.** Except as provided in this section, no  
2.2            state agency, including the commission and the Department of Commerce, or political  
2.3            subdivision of this state shall, by rule, order, or other means directly or indirectly regulate  
2.4            the entry, rates, terms, quality of service, availability, classification, or any other aspect of  
2.5            VoIP service or IP-enabled service.

2.6            Subd. 2. **VoIP regulation.** To the extent permitted by federal law, VoIP service is  
2.7            subject to the requirements of sections 237.49, 237.52, 237.70, and 403.11 with regard to  
2.8            the collection and remittance of the surcharges governed by those sections.

2.9            Subd. 3. **Relation to other law.** Nothing in this section affects or modifies:

2.10           (1) the commission's authority under the Federal Communications Act of 1934,  
2.11           United States Code, title 47, sections 251 and 252;

2.12           (2) any commission jurisdiction over (i) intrastate switched access rates, terms,  
2.13           and conditions, including the implementation of federal law with respect to intercarrier  
2.14           compensation, or (ii) existing commission authority to address or affect the resolution of  
2.15           disputes regarding intercarrier compensation; or

2.16           (3) the rights of any entity, or the authority of the commission and local government  
2.17           authorities, with respect to the use and regulation of public rights-of-way under sections  
2.18           237.162 and 237.163.