

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

03/23/2015 Adoption of Report: Amended and re-referred to the Committee on Job Growth and Energy Affordability Policy and Finance

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

2.9 (b) A service provider required by state or federal law to provide 911 service must  
2.10 comply with all the requirements of chapter 403 regarding the provision of 911 service by  
2.11 a service provider.

2.12 Subd. 3. **Relation to other law.** Nothing in this section restricts, creates, expands,  
2.13 or otherwise affects or modifies:

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

2.16 (2) any applicable wholesale tariff or any commission authority related to wholesale  
2.17 services;

2.18 (3) any commission jurisdiction over (i) intrastate switched access rates, terms,  
2.19 and conditions, including the implementation of federal law with respect to intercarrier  
2.20 compensation, or (ii) existing commission authority to address or affect the resolution of  
2.21 disputes regarding intercarrier compensation;

2.22 (4) the rights of any entity, or the authority of the commission and local government  
2.23 authorities, with respect to the use and regulation of public rights-of-way under sections  
2.24 237.162 and 237.163; or

2.25 (5) the establishment or enforcement of standards, requirements or procedures in  
2.26 procurement policies, internal operational policies, or work rules of any state agency or  
2.27 political subdivision of the state relating to the protection of individual property.

2.28 Subd. 4. **Exemption.** The following services delivered by IP-enabled service are  
2.29 not regulated under this chapter:

2.30 (1) video services provided by a cable communications system, as defined in section  
2.31 238.02, subdivision 3; or

2.32 (2) cable service, as defined in United States Code, title 47, section 522, clause (6); or

2.33 (3) any other IP-enabled video service.