

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 273**

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DATE	D-PG	OFFICIAL STATUS
02/09/2011	197	Introduction and first reading Referred to Energy, Utilities and Telecommunications

1.1 A bill for an act
1.2 relating to telecommunications; prohibiting access stimulation charges;
1.3 proposing coding for new law in Minnesota Statutes, chapter 237.

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

1.5 Section 1. [237.125] PROHIBITION ON ACCESS STIMULATION CHARGES.

1.6 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
1.7 have the meanings given.

1.8 (b) "Access stimulation charge" means any charge assessed by a local exchange
1.9 carrier or centralized equal access provider for delivery of intrastate telecommunications
1.10 to an entity that (1) provides a free or below cost service, discount, credit, or other product
1.11 offering to persons calling a telephone number assigned by the local exchange carrier to
1.12 an entity's service, and (2) has a financial or contractual interest, direct or indirect, in the
1.13 revenue received by a telephone company or telecommunications carrier for delivering
1.14 calls to the telephone numbers assigned to entities providing the free or below cost service.

1.15 (c) "Entity" means any individual, trustee, partnership, corporation, joint venture,
1.16 association, municipality, or any other legal entity.

1.17 Subd. 2. **Access stimulation charge prohibited.** No local exchange carrier or
1.18 centralized equal access provider may assess or charge an access stimulation charge.

1.19 Subd. 3. **No local exchange service.** For purposes of this section, a local exchange
1.20 carrier is not engaged in the provision of local exchange service, and is subject to the
1.21 prohibition against assessing or charging an access stimulation charge under subdivision
1.22 2, when it delivers calls to an entity that has a financial or contractual interest, direct or
1.23 indirect, in the revenue received by the local exchange carrier for delivering the calls
1.24 to the entity's assigned numbers.

S.F. No. 273, as introduced - 87th Legislative Session (2011-2012) [11-0648]

2.1 Subd. 4. **Not an end user.** For purposes of this section, an entity that has a financial
2.2 or contractual interest, direct or indirect, in the revenue received by a local exchange
2.3 carrier for delivering calls to the telephone number assigned to the entity is not an end
2.4 user of or subscriber of the local exchange carrier's telecommunications services, and the
2.5 prohibition against assessing or charging an access stimulation charge under subdivision 2
2.6 applies to the entity and the local exchange carrier.

2.7 Subd. 5. **No presumption of validity.** Nothing in this section shall be construed
2.8 as indicating that an access stimulation charge assessed prior to the effective date of this
2.9 section was just, reasonable, or in accordance with any law, regulation, tariff, or policy.