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gushed reporting as an editorial writer and as a political editor.

In 1973, Bob joined the staff of my predecessor, Congressman Matt Rinaldo, as his press secretary. Bob served in that capacity until Matt retired from the House last year. In January, I hired Bob—or Bob D., as he is affectionately known by the other members of my staff—to be my special assistant.

Recently, I spoke to Congressman Matt Rinaldo, and asked him to give me his impressions of Bob. Matt told me that

Bob is a dedicated family man, conscientious, extremely loyal, and has a high sense of purpose. Bob was not an employee in the conventional sense of the word, but instead was a real friend. He was a person that I could rely on for counsel and advice, and he always gave me his best judgment. We had many of the same friends and enjoyed many an evening dinner meeting together. We have been friends since childhood, growing up only one block apart in the City of Elizabeth, New Jersey. I knew his brother and the other members of his family well. I believe he contributed to the common goals that we shared to do our very best for the people of the then 12th and now 7th District, many of whom we knew on a first-name basis.

Bob is a person who went to the mat for me, and I will never forget his hard work and untiring efforts on my behalf. I wish him well in his retirement, and look forward to a continuing friendship with him and his wonderful wife Kathy.

Mr. Speaker, I wholeheartedly concur with the sentiments of Congressman Rinaldo. Bob has been an invaluable asset to my staff, and his experience and knowledge of the 7th District will be impossible to replace. I believe the people of the 7th District owe Bob DeLazaro a debt of gratitude for all his efforts to improve the quality of life in our community. I wish him well in his well-deserved retirement.

**ADDITIONAL COSPONSORS OF H.R. 2921**

**HON. BOB CLEMENT**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. CLEMENT. Mr. Speaker, several of my colleagues have asked that they be listed as cosponsors of H.R. 2921, the bill to create a matching grant program to preserve and restore the historic buildings on the campuses of the Nation's historically black colleges and universities. I thank my colleagues for their support of this important measure.

Since I cannot formally add the names to H.R. 2921 now that the bill has been reported from the Natural Resources Committee, I nonetheless want to acknowledge and thank them. They are Representatives ROBERT (BUD) CRAMER of Alabama, WILLIAM JEFFERSON of Louisiana, ROBERT UNDERWOOD of Guam, and LUCIEN BLACKWELL of Pennsylvania.

H.R. 796

SPEECH OF

**HON. SPENCER T. BACHUS III**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1993

Mr. BACHUS of Alabama. Mr. Speaker, I rise today in strong opposition to H.R. 796, the Freedom of Access to Clinic Entrances Act and in support of the substitute offered by Mr. SMITH of New Jersey.

This legislation does nothing to put tougher penalties on criminals or curb violence in our country. What it seeks to do and effectively does is to limit our constitutional rights to free speech and assembly.

For the first time in the history of our country, courts and judges will be allowed to determine a speaker's motivation and select a harsher punishment, not for an action like murder, but for the motivation of attempting to save the life of an unborn child.

This is not what our forefathers intended when they set in place our first amendment rights to free speech and assembly.

This Congress should instead, attack the real ills of this country—murderers, child molesters, and drug traffickers—with as much zeal as they propose to use to curb the first amendment rights of parents, clergy, and those who peacefully speak for those who cannot speak for themselves.

**NATIONAL COMMUNICATIONS COMPETITIVENESS AND INFORMATION INFRASTRUCTURE ACT OF 1993**

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. MARKEY. Mr. Speaker, today I am introducing, along with the ranking minority Member of the subcommittee, Mr. FIELDS, and Messrs. BOUCHER, OXLEY, BRYANT, MOORHEAD, HALL, BARTON, HASTERT, LEHMAN, GILLMOR, RICHARDSON, and SCHENK, the National Communications Competition and Information Infrastructure Act of 1993.

This legislation represents what I believe to be the Nation's roadmap for the information superhighway.

The purpose of this act is to help consumers by promoting a national communications and information infrastructure. This legislation seeks to accomplish that goal by encouraging the deployment of advanced communications services and technologies through competition, by safeguarding ratepayers and competitors from potential anticompetitive abuses, and by preserving and enhancing universal service.

The legislation we are proposing has three key elements. A more detailed explanation follows.

First, the act will promote and accelerate access to advanced telecommunications capability as well as spur competition to the local telephone companies from diverse competitors. As part of a national policy to promote competition to communications monopolies, competitors and information providers will be granted the right to compete with the local

telephone company and to use its facilities. Such competitors, which could be cable companies, independent phone companies, information service providers, or others, will be allowed equal access to, and interconnection with, the facilities of the local phone company so that consumers are assured of the seamless transmission of telephone calls between carriers and between jurisdictions.

The FCC will be required to establish rules for compensating local telephone companies for providing interconnection and equal access to competitors.

Second, the legislation will promote and accelerate competition to the cable television industry by permitting telephone companies to compete in offering video programming. Specifically, the bill would rescind the ban on telephone company ownership and delivery of video programming that was enacted in the Cable Act of 1984. Telephone companies would be permitted, through a separate subsidiary, to provide video programming to subscribers in its telephone service area.

Telephone companies would be required to establish a video platform upon which to offer their video programming. Telephone companies, on a nondiscriminatory basis, must allow other providers to offer video programming to subscribers utilizing the same video platform. Other providers will be allowed to use up to 75 percent of the video platform capacity.

In order to protect against media concentration and to promote a more fully competitive marketplace, telephone companies would be prohibited from buying cable systems within their telephone service territory, with only lightly drawn exceptions. In this way, consumers would have at least one other independent delivery system from which to choose for telephone, video, or other multimedia services.

Third, the legislation will preserve and enhance the universal provision of telephone service at affordable rates. To ensure that universal service is preserved as local telephone service become more competitive, a Federal-State joint board is established by the legislation to develop a plan to perpetuate the universal provision of affordable, high quality telephone service. All providers of telecommunications services will be required to make an equitable contribution to the preservation of universal service.

To enhance universal service, the legislation requires that this joint board define the nature and extent of the services encompassed within a telephone company's universal service obligation. In addition, the legislation directs the FCC to investigate the policy changes needed to provide open platform service at affordable rates. Open platform service would provide digital phone service on a single line, end-to-end basis to residential subscribers. To ensure affordability, such service would be tariffed at reasonable rates.

Such digital service has the potential of enhancing the capacity of the existing twisted copper wire infrastructure tenfold for modest cost. A variety of applications for telemedicine, distance learning, and other multimedia services could utilize the additional capacity gained by going digital to empower consumers, schools, hospitals, small businesses and others.

In conclusion, I think this legislation represents a well-balanced approach to a difficult subject. In light of a recent court decision striking down the cable-television prohibition as unconsti-

situational, this bill proposes consumer protections where there are now none. In addition, it continues a trend, starting in our country but emulated throughout the world, what shows consumers of telecommunications equipment and services benefit tremendously from competition. This bill will help achieve many of the goals I and my colleagues share for promoting an electronic superhighway to enrich the lives of all Americans in the information age. I urge my colleagues to join me in sponsoring this important telecommunications legislation.

SECTION-BY-SECTION SUMMARY OF THE NATIONAL COMMUNICATIONS COMPETITION AND INFRASTRUCTURE ACT

TITLE I—TELECOMMUNICATIONS INFRASTRUCTURE AND COMPETITION

Section 101. Section 101(a) adds new purposes of section 1 of the Communications Act of 1934. Section 101(b) adds new definitions to the Communications Act, including definitions for "information service", "telecommunications", "telecommunications service", "local exchange carrier", "telephone", "open platform service", and "equal access". The term "open platform service" is defined in functional terms as a service enabling subscribers to access voice, data, and video services on a single-line basis that is available throughout a State.

Section 102. This section adds a new subsection to section 201 of the Communications Act. Subsection (c) is entitled "Equal Access." Paragraph (1) of subsection (c) sets forth that all common carriers are subject to such rules of openness and accessibility as the Federal Communications Commission may require. It also sets forth the obligations of local exchange carriers to provide access to their facilities.

Paragraph (2) directs the FCC to establish regulations providing reasonable and non-discriminatory equal access to the facilities and capabilities of a local exchange carrier. This paragraph also directs the FCC to establish rules that compensate the local exchange carriers for opening up their facilities. In addition, this paragraph stipulates that rural exchange carriers do not have to provide access to another local exchange carrier. Significantly, the bill also gives the FCC authority to modify these requirements for carriers with fewer than 500,000 access lines. The bill directs the FCC to convene a Federal-State Joint Board to advise the Commission regarding access rules, and provides that the FCC can use existing rules if they are applicable.

Paragraph (3) provides that no State or local government may have rules or laws in place after one year that effectively prohibit the offering of telephone service or the entry of companies into the local telephone business.

Paragraph (4) requires local exchange carriers to have cost-based tariffs in place for equal access and interconnection services, and requires that the tariffs do not bundle together separable elements, features, or functions offered by the carrier.

Paragraph (5) establishes a process by which a local exchange carrier can obtain permission from State or federal authorities to have pricing flexibility in the offering of telecommunications services. The FCC is required to establish criteria for determining when pricing flexibility is appropriate, and then directs the FCC and States to use this criteria in reviewing applications for pricing flexibility. The FCC is required to respond to any application within 180 days.

Paragraph (6) establishes a Joint Board to formulate a plan to preserve universal service. The Joint Board is directed to develop a plan that establishes predictable mechanisms

to ensure the continued viability of universal service, that promotes access to advanced telecommunications services, and that requires all providers of telecommunications services to contribute to preservation of universal service.

Paragraph (7) provides that the FCC and the States shall not prohibit resale of telephone exchange service. Paragraph (8) directs the FCC to review its rules established under this subsection to determine whether the goals of this legislation are being met. Paragraph (9) requires the FCC to conduct a study of rural phone service and the effects of competition on service in rural areas.

Subsection (d), paragraph (1) sets forth functionality as a reliability obligation of common carriers. Paragraph (2) directs the FCC to establish procedures for coordinating network planning and for establishing procedures for the development of standards for interconnection and interoperability. Paragraph (3) directs the FCC to initiate an inquiry on the rules and policies necessary to make open platform service available to the public. This paragraph further directs the Commission to prescribe regulations as necessary for the provision of open platform service when such service is economically and technically feasible.

Paragraph (4) directs the Commission to establish regulations designed to make network capabilities and services accessible to individuals with disabilities. Paragraph (5) directs the Commission to designate performance measures or benchmarks for the purpose of ensuring the continued reliability of communications equipment and services. Paragraph (6) grants the FCC authority to waive or modify any of the requirements of subsection (d) for those companies serving rural areas.

Section 103. This section amends section 209 of the Communications Act to require that the FCC respond to any complaint on unreasonable or discriminatory interconnection within 180 days.

Section 104. This section amends section 7 of the Communications Act to provide for expedited licensing of new technologies.

Section 105. This section amends section 211 to require that a provider of telephone exchange service must address the means by which new or extended lines will meet the network access needs of individuals with disabilities.

TITLE II—COMMUNICATIONS COMPETITIVENESS

Section 201. This section amends section 613(b) of the Communications Act to provide that any common carrier subject to title II of the Communications Act may provide video programming to subscribers within its telephone service area provided that it provides video programming through a separate affiliate and otherwise consistent with part V of title VI of the Communications Act, as added by this legislation. This section also makes a conforming change to section 602 to define "telephone service area."

This section also amends title VI of the Communications Act to add a new "Part V—Cable Service Provided by Telephone Companies".

Section 551 defines key terms, such as "affiliated video programming", "control", "rural area", and "video platform".

Section 552 provides that a common carrier subject to title II must provide video programming through a separate affiliate. This section directs that the separate affiliate must maintain separate books, separate operations, and separate marketing, except telephone companies are permitted to handle in-coming inquiries on cable service. If a cable company is jointly marketing video and telephone services, then the common carrier can petition the FCC for relief from

the general joint marketing prohibition. This section also permits the FCC to grant waivers from these requirements for small or rural telephone companies or, beginning 5 years after enactment, for any company that can demonstrate that a waiver will not harm telephone ratepayers and is in the public interest.

Section 653 directs that a common carrier that provides video programming must establish a video platform that provides access to programmers on reasonable and non-discriminatory terms. The FCC must respond to telephone company video platform petitions within one year. This section also requires the FCC to study whether it is in the public interest to make cable operators common carriers and subject to a video platform requirement.

Section 654 stipulates that a common carrier can reserve for itself no more than 25 percent of the available capacity of a basic platform established pursuant to section 653. This requirement is scheduled to expire 5 years after enactment.

Section 655 directs the FCC to prescribe regulations prohibiting common carriers from including in telephone rates any expenses associated with the provision of video programming. The Commission is also directed to prescribe regulations prohibiting cable operators from including in the cost of cable service any expenses associated with the provision of telephone service.

Section 656 contains a general prohibition on buyouts by a common carrier of a cable system within its service territory. Subsection (b) provides for exceptions, including one that would permit a common carrier to engage in a joint venture with a cable system or systems so long as in the aggregate the area served by the joint venture did not exceed ten percent of the households served by the carrier. Another exception would permit a carrier to use the "drop" from the curb to the home that is controlled by the cable company. If such use was limited in scope and duration, this section also contains a waiver process, under which the Commission could grant a waiver upon a showing of undue economic distress by the owner of the cable system if a sale to a telephone company is blocked.

Section 657 establishes penalties for violations of this Part. Section 658 sets forth consumer protection provisions, including the formation of a Joint Board to ensure proper jurisdictional separation and allocation of costs of establishing a video platform.

Section 659 provides which sections of title VI would be applicable to a video platform. This section requires that video programming affiliates would have to comply with the rules on privacy, program access, and consumer protection contained in title VI. This section also directs the FCC to prescribe regulations requiring a video platform to comply with the rules on "must carry", capacity for public, educational, and governmental use (PEG), and other carriage obligations that generally fall on cable systems. This section also requires the video programming affiliate of a carrier to pay a fee equivalent to a franchising fee to the local franchising authority.

Section 660 stipulates that many of the provisions added by this legislation (sections 652, 653, 654, and 656) do not apply to common carriers providing service in rural areas.





## **Document No. 146**

