

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 294
HOUSE BILL 2209

AN ACT

AMENDING TITLE 40, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 40-212; RELATING TO REGULATION BY CORPORATION COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 40, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 40-212, to read:

4 40-212. Internet protocol services: definitions

5 A. A PERSON THAT OFFERS, FURNISHES OR PROVIDES FOR PROFIT OR
6 OTHERWISE INTERNET PROTOCOL-ENABLED SERVICE OR VOICE OVER INTERNET
7 PROTOCOL SERVICE IS NOT PROVIDING MESSAGE TRANSMISSION SERVICE TO THE
8 PUBLIC AND IS NOT A PUBLIC SERVICE CORPORATION. THE COMMISSION MAY NOT
9 REGULATE, DIRECTLY OR INDIRECTLY, THE ENTRY, EXIT, RATES, TERMS,
10 CONDITIONS OR SERVICE QUALITY STANDARDS OF INTERNET PROTOCOL-ENABLED
11 SERVICE OR VOICE OVER INTERNET PROTOCOL SERVICE.

12 B. THIS SECTION DOES NOT AFFECT OR MODIFY:

13 1. THE COMMISSION'S AUTHORITY TO ENFORCE THE REQUIREMENTS ON VOICE
14 OVER INTERNET PROTOCOL SERVICE THAT ARE PROVIDED FOR OR ALLOWED BY FEDERAL
15 LAW, INCLUDING THE COLLECTION OF NONDISCRIMINATORY 911 OR E911 FEES,
16 TELECOMMUNICATIONS RELAY SERVICE FEES AND UNIVERSAL SERVICE FEES.

17 2. A PERSON'S OBLIGATIONS UNDER OR ANY RIGHT GRANTED TO A PERSON BY
18 47 UNITED STATES CODE SECTIONS 251 AND 252.

19 3. THE COMMISSION'S JURISDICTION OVER INTRASTATE SWITCHED ACCESS
20 RATES, INCLUDING THE IMPLEMENTATION OF FEDERAL LAW WITH RESPECT TO
21 INTERCARRIER COMPENSATION.

22 C. FOR THE PURPOSES OF THIS SECTION:

23 1. "INTERNET PROTOCOL-ENABLED SERVICE" MEANS A SERVICE,
24 FUNCTIONALITY OR APPLICATION THAT USES INTERNET PROTOCOL OR A SUCCESSOR
25 PROTOCOL AND ENABLES AN END USER TO SEND OR RECEIVE A VOICE, DATA OR VIDEO
26 COMMUNICATION IN INTERNET PROTOCOL FORMAT OR A SUCCESSOR FORMAT.

27 2. "VOICE OVER INTERNET PROTOCOL SERVICE" MEANS A SERVICE THAT
28 MEETS ALL OF THE FOLLOWING:

29 (a) ENABLES REAL-TIME, TWO-WAY VOICE COMMUNICATION THAT ORIGINATES
30 FROM OR TERMINATES AT THE USER'S LOCATION IN INTERNET PROTOCOL OR A
31 SUCCESSOR PROTOCOL.

32 (b) USES A BROADBAND CONNECTION FROM THE USER'S LOCATION.

APPROVED BY THE GOVERNOR MAY 16, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018.