

105TH CONGRESS  
1ST SESSION

# S. 1354

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 1997

Referred to the Committee on Commerce

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## AN ACT

To amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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1 **SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF**  
2 **1934.**

3 Section 214(e) of the Communications Act of 1934  
4 (47 U.S.C. 214(e)) is amended—

5 (1) by striking “(2) or (3)” in paragraph (1)  
6 and inserting “(2), (3), or (6)”;

7 (2) by striking “interstate services,” in para-  
8 graph (3) and inserting “interstate services or an  
9 area served by a common carrier to which paragraph  
10 (6) applies,”;

11 (3) by inserting “(or the Commission in the  
12 case of a common carrier designated under para-  
13 graph (6))” in paragraph (4) after “State commis-  
14 sion” each place such term appears;

15 (4) by inserting “(or the Commission under  
16 paragraph (6))” in paragraph (5) after “State com-  
17 mission”; and

18 (5) by inserting after paragraph (5) the follow-  
19 ing:

20 “(6) COMMON CARRIERS NOT SUBJECT TO  
21 STATE COMMISSION JURISDICTION.—In the case of a  
22 common carrier providing telephone exchange service  
23 and exchange access that is not subject to the juris-  
24 diction of a State commission, the Commission shall  
25 upon request designate such a common carrier that  
26 meets the requirements of paragraph (1) as an eligi-

1 ble telecommunications carrier for a service area  
2 designated by the Commission consistent with appli-  
3 cable federal and State law. Upon request and con-  
4 sistent with the public interest, convenience and ne-  
5 cessity, the Commission may, with respect to an area  
6 served by a rural telephone company, and shall, in  
7 the case of all other areas, designate more than one  
8 common carrier as an eligible telecommunications  
9 carrier for a service area designated under this para-  
10 graph, so long as each additional requesting carrier  
11 meets the requirements of paragraph (1). Before  
12 designating an additional eligible telecommunications  
13 carrier for an area served by a rural telephone com-  
14 pany, the Commission shall find that the designation  
15 is in the public interest.”.

Passed the Senate November 9, 1997.

Attest:

GARY SISCO,  
*Secretary.*