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HOUSE BILL 1077

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Ruderman, DeBolt and Dunn

Read first time 01/15/2001. Referred to Committee on Technology,  
Telecommunications & Energy.

1 AN ACT Relating to promoting competition for broadband  
2 telecommunications service using cable modem technology; and  
3 adding a new section to chapter 80.36 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 80.36  
6 RCW to read as follows:

7 (1) The transport portion of any publicly offered service that  
8 includes transport of information to and from the internet, but  
9 not any information portion of such service, is considered a  
10 telecommunications service under the laws of this state, if it is  
11 accomplished over a cable system. The entity providing such  
12 transport is a telecommunications carrier under the laws of this  
13 state, and with respect to such transport is subject to section  
14 251 of the telecommunications act of 1996 (47 U.S.C. Sec. 251)  
15 including its provisions for state commission enforcement of the  
16 telecommunications act. There is no exception, exclusion,  
17 exemption, or waiver of this section based on a claim that the

1 system used is a cable system, that the provider is a cable  
2 operator, or that the service is a cable service under applicable  
3 federal law.

4 (2) Without limiting subsection (1) of this section, no entity  
5 providing such telecommunications services shall, as to its  
6 pricing and provision of such services, make or grant any  
7 preference or advantage to any person requiring such services nor  
8 subject any such person to any prejudice or competitive  
9 disadvantage with respect to such services. The price the  
10 telecommunications carrier charges for such telecommunications  
11 services shall be nondiscriminatory and shall not exceed the price  
12 it charges entities affiliated by common ownership or control, or  
13 imputes to itself, whichever is lesser.

14 (3) To the extent any such telecommunications services subject  
15 to this section are interstate in nature, the provisions of this  
16 section shall apply only with respect to the telecommunications  
17 carrier's obligations arising under section 251 of the  
18 telecommunications act of 1996 (47 U.S.C. Sec. 251) to the extent  
19 the state has jurisdiction to enforce section 251 by delegation of  
20 authority or otherwise, and such other matters with respect to  
21 which the state may have jurisdiction pursuant to law or rule.

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