

ENROLLED ACT NO. 70, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to the Wyoming telecommunications act; extending the sunset date of the act; amending definitions; specifying the application of the act; specifying requirements for providing price schedules to the public service commission; providing a limitation on local governments entering an exclusive agreement for provision of broadband internet access service; amending the price benchmark and credit requirements for the universal service fund; repealing conflicting provisions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 37-15-101(b), 37-15-103(a)(iv)(E), by creating a new subparagraph (F), (viii), (ix), (xiv) and by creating new paragraphs (xviii) and (xix), 37-15-104(a)(intro), by creating a new subsection (b) and by amending and renumbering (b) as (c), 37-15-105(c), 37-15-202(a)(intro), (d)(intro) and (i), 37-15-203(f)(iv), 37-15-204(a), 37-15-404(c), (e)(i), (v), (vi) and by creating a new paragraph (vii), 37-15-405, 37-15-406(b), 37-15-413(a)(intro), (i) through (iii), (b), (c)(intro), (d) and (e)(ii), 37-15-501(c), (d), (g) and (h) and 37-15-502(a)(intro), (i) and (iii) are amended to read:

37-15-101. Short title; sunset.

(b) This chapter is repealed effective ~~July 1, 2025~~
July 1, 2031.

37-15-103. Definitions.

(a) As used in this chapter:

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(iv) "Essential telecommunications service" means a customer's access to service that is necessary for the origination or termination, or both, of two-way, switched telecommunications for both residential and business service within a local exchange area. Essential telecommunications services are limited to:

(E) Switched access, which for the purposes of this chapter shall mean the switching and transport necessary to connect an interexchange telecommunications company with the local exchange central office for the purpose of originating or terminating, or both, the interexchange telecommunications company's switched telecommunications service; ~~and~~ and

(F) Local exchange service.

(viii) "Local exchange service" means ~~the provision of essential telecommunications~~ residential or business service within a local exchange area capable of providing; ~~and~~

(A) Access to interexchange services provided by interexchange telecommunications companies;

(B) Single line flat-rate or single line measured residential or business voice service;

(C) Transmission service and facilities necessary for the connection between the end user's or customer's premises and local network switching facility including the necessary signaling service used by customers to access essential telecommunications services;

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(D) Services necessary to connect 911
emergency services to the local network.

(ix) "Noncompetitive essential
telecommunications services" means those essential
telecommunications services at locations which have not
been found by the legislature or the commission to be
competitive in accordance with W.S. 37-15-202;

(xiv) "Universal service" means the general
availability of ~~essential telecommunications~~ local exchange
service at an affordable and reasonable price;

(xviii) "Broadband internet access service"
means a mass-market retail service by wire or radio that
provides the capability to transmit data to and receive
data from all or substantially all internet endpoints,
including any capabilities that are incidental to and
enable the operation of the communications service.
"Broadband internet access service" shall not include
dial-up internet access service;

(xix) "Noncompetitive local exchange service"
means local exchange service at locations which have not
been found by the legislature or the commission to be
competitive in accordance with W.S. 37-15-202.

37-15-104. Services regulated by this title.

(a) Except to the extent otherwise provided in this
section, the provisions of this title shall only apply to
noncompetitive essential telecommunications services. All
telecommunications services shall be subject to
contributions to the universal service fund required
pursuant to W.S. 37-15-501, the requirements of W.S.

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37-15-202(h), 37-15-401, 37-15-404, 37-15-412 and 37-15-413, the requirements of W.S. 37-15-105 for voice over internet protocol and IP enabled services and the assessment levied pursuant to W.S. 37-2-106 through 37-2-109.~~telecommunications service does not include, and the provisions of this title do not apply to:~~

(b) The provisions of this title do not apply to telecommunications services using radio spectrum, cellular or other wireless technology except to the extent provided in paragraphs (i) through (iv) of this subsection:

(i) To the extent permitted in accordance with the requirements of federal law relating to the consideration and determination of an application for designation as a federal eligible telecommunications carrier;

(ii) Determinations of eligibility for and amounts of distribution of state universal service funds in accordance with W.S. 37-15-502;

(iii) Any required contributions to the universal service fund under W.S. 37-15-501;

(iv) Any required assessment levied under W.S. 37-2-106 through 37-2-109.

~~(b)(c) In addition to subsection (a) of this section, telecommunications service does not include, and~~ The provisions of this title do not apply to:

(i) Telecommunications services provided by the department of enterprise technology to private health care providers under W.S. 9-2-2906(j); ~~or~~ or

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(ii) Private telecommunications networks. As used in this paragraph, "private telecommunications network" means a system for the provision of telecommunications service by a person for the sole and exclusive use of the person and not for resale either directly or indirectly.

37-15-105. VoIP and internet protocol enabled services.

(c) If a service provider voluntarily chooses to receive Wyoming universal service funds to support voice over internet protocol service that otherwise qualifies for support pursuant to W.S. 37-15-501 or 37-15-502, then that supported voice over internet protocol service shall be subject to all laws and rules governing the receipt of such funds, and the support provided to those services shall not exceed the support that would be provided to eligible noncompetitive ~~essential~~—local exchange services on a per-access-line basis.

37-15-202. Determination of competitive services.

(a) Upon petition by any telecommunications company or pursuant to the commission's own motion, the commission may, after notice and opportunity for hearing, find and conclude that a telecommunications service is subject to competition or that local exchange service is competitive in certain locations. Any service found to be effectively competitive pursuant to this section shall not be subject to regulation by the commission. Any location deemed to have effective competition for local exchange service shall be ineligible for universal service fund support except that a telecommunications carrier may continue to receive

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universal service support for noncompetitive locations pursuant to W.S. 37-15-501 and that support shall account for price and cost adjustments necessary because of the competitive classification of formerly supported locations. The commission shall consider only the following factors in determining whether a telecommunications service is subject to effective competition:

(d) Notwithstanding subsection (a) of this section the commission shall, in an area defined by an applicant, find ~~retail telecommunications~~ local exchange services ~~other than switched access~~ are competitive provided:

(i) At least seventy-five percent (75%) of the class of customers in the area have access to at least one (1) landline carrier unaffiliated with the applicant providing local ~~voice~~ exchange service. The local ~~voice~~ exchange service may be provided in combination with other services. If a company does not differentiate between residential and business classes of service in its application, the requirement shall be that at least sixty percent (60%), considering residential and business customers as one (1) class of customers, have access to at least one (1) landline carrier unaffiliated with the applicant;

37-15-203. Price regulation of noncompetitive essential services.

(f) A local exchange company may seek approval to increase the price of noncompetitive essential telecommunications services, including switched access charges, based on:

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(iv) Increases in the cost of providing essential telecommunications services. The increases shall be judged on the overall federal gross domestic product price index published by the United States department of commerce, bureau of economic analysis unless the applicant demonstrates that specific cost increases are disproportionably affecting the cost of providing their noncompetitive essential telecommunications services.

37-15-204. Price schedules.

(a) A local exchange company shall post on its website and file ~~with the commission, in such form and detail as in electronic format to~~ the commission ~~may require,~~ price schedules showing all noncompetitive essential telecommunications services terms, conditions and prices currently in effect and charged to customers by the company in this state. All prices for new noncompetitive essential telecommunications services, and any increase in prices for noncompetitive essential telecommunications services as authorized by the commission pursuant to W.S. 37-15-203, shall be filed with the commission for approval thirty (30) days prior to the proposed effective date. The company shall also provide notice to each impacted customer electronically or in print using the same manner the customer receives bills from the company. No price increase for a noncompetitive essential telecommunications service shall be effective unless the customer has been given notice by the provider at least one (1) full billing cycle prior to the proposed increase and the increase has been approved by the commission as required by W.S. 37-15-203. No price or price change is effective until filed in accordance with this section. For purposes of this subsection, the rules, regulations, policies, practices and other requirements relating to services shall be posted on

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a local exchange company's website and filed with the commission in ~~such form and detail as a simplified format~~ which is not required to comply with the tariff formatting standards that were previously adopted by the commission. ~~may require~~ A local exchange company shall not be required to file or maintain paper copies of its price schedule with the commission. Rules, regulations, policies, practices and other requirements relating to noncompetitive essential telecommunications services shall be subject to the same requirements under this chapter as the prices of noncompetitive essential telecommunications services.

37-15-404. Protection of telecommunications consumers.

(c) A telecommunications company providing a noncompetitive essential telecommunications service shall not discontinue providing the service without the commission's approval.

(e) The commission may adopt rules and regulations to provide for:

(i) The interconnection of telecommunications companies' networks at nondiscriminatory and reasonable rates, terms and conditions, including interconnection under 47 U.S.C. §§ 251 and 252;

(v) Telephone number portability to the full extent technically feasible; ~~and~~

(vi) The resale and sharing of services and functions at reasonable and nondiscriminatory rates; ~~and~~ and

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(vii) Rates, terms and conditions of wholesale service.

37-15-405. Complaint against prices.

Any person, and the commission on its own motion, may complain to the commission concerning the reasonableness of the price of any noncompetitive essential telecommunications service or any violation of W.S. 37-15-404. Any notice and hearing of any complaint shall be in accordance with the Wyoming Administrative Procedure Act and this chapter. The commission shall only set aside any price it finds after notice and hearing to be unreasonable or unreasonably discriminatory. If the commission sets aside a price as unreasonable or unreasonably discriminatory, the telecommunications company shall have sixty (60) days to file a new price which is reasonable. The company shall refund any charges found to be unreasonable as ordered by the commission. Rates or prices for noncompetitive essential telecommunications services in effect as of July 1, 2006, are deemed to be fair and reasonable.

37-15-406. Quality of service.

(b) Any customer, and the commission on its own motion, may complain concerning the quality of service provided by a telecommunications company for noncompetitive essential telecommunications service. A complaint shall be noticed and heard as provided for in the Wyoming Administrative Procedure Act. The commission, after notice and hearing, may direct the telecommunications company to take whatever remedial action is technically feasible and economically reasonable to provide reasonably adequate service. The commission shall authorize a

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telecommunications provider to recover the cost of compliance as reasonably determined by any commission order under this section.

37-15-413. Limitation on authority of political subdivision to enter exclusive agreement for provision of telecommunications service or broadband internet access service.

(a) Except as provided in subsections (b) through (d) of this section, before the governing body of any city or town or other political subdivision of this state shall provide for the construction, maintenance or operation of any telecommunications service or broadband internet access service by entering into an exclusive franchise, partnership, joint venture, contract, resale agreement or any other exclusive agreement with any party regarding telecommunications service or broadband internet access service, the city, town or other political subdivision shall:

(i) Determine, after notice and opportunity for a public hearing, that no private provider of telecommunications services or broadband internet access services, as applicable, is currently providing substantially the same or similar service anywhere within the boundaries of the city, town or political subdivision;

(ii) Have submitted a written request to all private providers of telecommunications services or broadband internet access services within the boundaries of the city, town or political subdivision for provision of the same quality and grade of telecommunications service or broadband internet access service within the same time

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frame and at the same consumer prices proposed under the exclusive contract;

(iii) Determine, after notice and opportunity for a public hearing that the private telecommunications service or broadband internet access service providers have not agreed within ninety (90) days of the receipt of the request submitted pursuant to paragraph (ii) of this subsection to provide the same quality and grade of service within the same time frame and at the same consumer prices as proposed under the exclusive contract, or if the provider has agreed, that the provider has not commenced providing or constructing facilities to provide the service in the manner agreed upon; and

(b) The governing body of a city or town or other political subdivision shall allow the nondiscriminatory, nonexclusive and competitively neutral use of its rights-of-way including its poles, conduits, ducts or similar support structures by any telecommunications company or broadband internet access company and nothing in this section shall be construed to the contrary.

(c) Nothing in this section shall restrict the governing body of a city or town, or other political subdivision, from providing a telecommunications service, a broadband internet access service or a related facility:

(d) Nothing in this section shall be construed to restrict the governing body of a city or town or other political subdivision, from providing a telecommunications service or broadband internet access service to a party within the geographic area in which the city, town or political subdivision operates as a telecommunications

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utility. Any city, town or political subdivision providing a telecommunications service under this subsection shall:

(i) Provide the telecommunications service or broadband internet access service on a nondiscriminatory, nonexclusive and competitively neutral basis; and

(ii) Provide the telecommunications service or broadband internet access service at a price which covers cost, including imputed costs that the city, town or political subdivision would incur if it were a for-profit telecommunications company.

(e) Any person may complain to the commission, and the commission may on its own motion initiate an investigation, concerning any alleged violation of this section by a city, town or political subdivision, subject to the following:

(ii) If the city, town or political subdivision does not cure the anticompetitive behavior within ninety (90) days, the commission shall commence a contested case hearing on the complaint, governed by the Wyoming Administrative Procedure Act, W.S. 16-3-101 et seq. If, following the hearing, the commission finds that the city, town or political subdivision has violated this section, the commission shall prohibit the city, town or political subdivision from providing any telecommunications service or broadband internet access service until the violation of this section is remedied.

37-15-501. Universal service fund created; contributions; administration.

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(c) The commission shall administer the monies in the universal service fund to assist only those customers of telecommunications companies located in areas of this state with relatively high rates for noncompetitive essential local exchange services. Services deemed competitive under W.S. 37-15-202(a), (c) or (d) shall not be eligible for universal service fund support under this article. The commission, after notice and opportunity for hearing, shall determine a reasonable amount and a fair method of distributing monies. The commission may authorize a credit to customer bills, in the amount specified by the commission, to reflect distributions received by the local exchange company from the universal service fund, provided that the credit is given only to one (1) line for each customer or household. The commission shall ensure that the method shall promote the emergence of competition in providing local exchange service.

(d) In accordance with the method of distribution determined by the commission, a telecommunications company shall, unless it elects to receive Wyoming universal service funds pursuant to the method set forth in subsection (g) of this section, receive funds under this section to the extent that its noncompetitive essential local exchange service prices, after consideration of any contributions from the federal universal service fund, exceed the price benchmark established in subsection (h) of this section.

(g) A telecommunications company that undertakes the requirements set forth in this subsection may make a one-time, irrevocable before July 1, 2023, election in writing to the commission to receive Wyoming universal service funds pursuant to this subsection rather than pursuant to subsection (d) of this section. In order to

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receive funds pursuant to this subsection, the company shall provide ~~essential~~noncompetitive local exchange service, or its functional equivalent, upon reasonable request throughout the local exchange area of a rural incumbent local exchange carrier, as defined by the federal communications commission on January 1, 2015, at a price not exceeding the price benchmark established in subsection (h) of this section. A telecommunications company which elects to receive Wyoming universal service funds pursuant to this subsection shall receive funds to the extent that its loop costs, as reflected in the company's most recent annual filing of unseparated loop costs filed with the Universal Service Administration Company, exceed the company's most recent annual federal universal service funds receipts and annual local revenues. In calculating annual local revenues the commission shall utilize the imputed price benchmark established in subsection (h) of this section. If an otherwise qualified company elects to receive Wyoming universal service funds pursuant to this subsection, but does not file an annual unseparated loop cost report with the Universal Service Administration Company, it shall file the equivalent information with the commission.

(h) The price benchmark shall be ~~thirty dollars (\$30.00)~~thirty-five dollars (\$35.00) unless otherwise adjusted by the commission pursuant to this subsection. The commission shall review the price benchmark one (1) time every four (4) years and, after review, shall adjust the benchmark as necessary to assure that it approximates one hundred thirty percent (130%) of the weighted statewide average ~~essential~~ local exchange service price. The commission may change the price benchmark at any time if, after notice and opportunity for a hearing, the commission determines that the price benchmark does not approximate

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one hundred thirty percent (130%) of the weighted statewide average ~~essential~~ local exchange service price and that the price benchmark should be adjusted by ten percent (10%) or more.

37-15-502. Universal service fund eligibility and distribution to carriers.

(a) Telecommunications companies which use cellular, radio spectrum or other wireless technology to provide ~~supported~~ essential services to customers who are otherwise eligible to receive universal service support pursuant to W.S. 37-15-501, may establish eligibility to receive universal service fund distributions in an amount to be determined by the commission, provided that:

(i) The telecommunications company will offer and advertise all services supported by the universal service fund ~~supported services~~ throughout the entire local exchange area;

(iii) The telecommunications company's bill to the customer reflects a credit for the amount of distribution the company receives from the state universal service fund for providing services supported by the universal service fund ~~supported services~~ to that customer; and

Section 2. W.S. 37-15-103(a)(iv)(A) through (D) and (xvi) and 37-15-104(a)(i) through (xiii) are repealed.

ORIGINAL SENATE
FILE NO. SF0051

ENGROSSED

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Section 3. This act is effective July 1, 2025.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk