

SENATE FILE NO. SF0051

Wyoming telecommunications act revisions.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to the Wyoming telecommunications act;
2 extending the sunset date of the act; amending definitions;
3 specifying the application of the act; specifying
4 requirements for providing price schedules to the public
5 service commission; providing a limitation on local
6 governments entering an exclusive agreement for provision
7 of broadband internet access service; providing for payment
8 of universal service fund charges for prepaid wireless
9 service; repealing conflicting provisions; requiring
10 rulemaking; and providing for effective dates.

11

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

13

14 **Section 1.** W.S. 37-15-101(b), 37-15-103(a)(iv)(E), by
15 creating a new subparagraph (F), (viii), (ix), (xiv) and by

1 creating new paragraphs (xviii) and (xix),
2 37-15-104(a)(intro), by creating a new subsection (b) and
3 by amending and renumbering (b) as (c), 37-15-195(c),
4 37-15-202(a)(intro), (d)(intro) and (i), 37-15-203(f)(iv),
5 37-15-204(a), 37-15-404(c), (e)(i), (v), (vi) and by
6 creating a new paragraph (vii), 37-15-405, 37-15-406(b),
7 37-15-413(a)(intro), (i) through (iii), (b), (c)(intro),
8 (d) and (e)(ii), 37-15-501(b) through (d), (g), (h) and by
9 creating a new subsection (j) and 37-15-502(a)(intro), (i)
10 and (iii) are amended to read:

11

12 **37-15-101. Short title; sunset.**

13

14 (b) This chapter is repealed effective ~~July 1, 2025~~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

16

17 **37-15-103. Definitions.**

18

19 (a) As used in this chapter:

20

21 (iv) "Essential telecommunications service"
22 means a customer's access to service that is necessary for
23 the origination or termination, or both, of two-way,

1 switched telecommunications for both residential and
2 business service within a local exchange area. Essential
3 telecommunications services are limited to:

4

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

12

13 (F) Local exchange service.

14

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

19

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

22

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

3
4 (C) Transmission service and facilities
5 necessary for the connection between the end user's or
6 customer's premises and local network switching facility
7 including the necessary signaling service used by customers
8 to access essential telecommunications services;

9
10 (D) Services necessary to connect 911
11 emergency services to the local network.

12
13 (ix) "Noncompetitive essential
14 telecommunications services" means those essential
15 telecommunications services at locations which have not
16 been found by the legislature or the commission to be
17 competitive in accordance with W.S. 37-15-202;

18
19 (xiv) "Universal service" means the general
20 availability of ~~essential telecommunications~~ local exchange
21 service at an affordable and reasonable price;

22

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

9
10 (xix) "Noncompetitive local exchange service"
11 means local exchange service at locations which have not
12 been found by the legislature or the commission to be
13 competitive in accordance with W.S. 37-15-202.

14

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

16

17 (a) Except to the extent otherwise provided in this
18 section, the provisions of this title shall only apply to
19 noncompetitive essential telecommunications services. All
20 telecommunications services shall be subject to
21 contributions to the universal service fund required
22 pursuant to W.S. 37-15-501, the requirements of W.S.
23 37-15-202(h), 37-15-401, 37-15-404, 37-15-412 and

1 37-15-413, the requirements of W.S. 37-15-105 for voice
2 over internet protocol and IP enabled services and the
3 assessment levied pursuant to W.S. 37-2-106 through
4 37-2-109., ~~telecommunications service does not include, and~~
5 ~~the provisions of this title do not apply to:~~

6
7 (b) The provisions of this title do not apply to
8 telecommunications services using radio spectrum, cellular
9 or other wireless technology except to the extent provided
10 in paragraphs (i) through (iv) of this subsection:

11
12 (i) To the extent permitted in accordance with
13 the requirements of federal law relating to the
14 consideration and determination of an application for
15 designation as a federal eligible telecommunications
16 carrier;

17
18 (ii) Determinations of eligibility for and
19 amounts of distribution of state universal service funds in
20 accordance with W.S. 37-15-502;

21
22 (iii) Any required contributions to the
23 universal service fund under W.S. 37-15-501;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

(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~~

(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.

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

11

12 **37-15-202. Determination of competitive services.**

13

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

1 that a telecommunications carrier may continue to receive
2 universal service support for noncompetitive locations
3 pursuant to W.S. 37-15-501 and that support shall account
4 for price and cost adjustments necessary because of the
5 competitive classification of formerly supported locations.

6 The commission shall consider only the following factors in
7 determining whether a telecommunications service is subject
8 to effective competition:

9

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

14

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

1 customers as one (1) class of customers, have access to at
2 least one (1) landline carrier unaffiliated with the
3 applicant;

4

5 **37-15-203. Price regulation of noncompetitive**
6 **essential services.**

7

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

12

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

21

22 **37-15-204. Price schedules.**

23

1 (a) A local exchange company shall post on its
2 website and file ~~with the commission, in such form and~~
3 ~~detail as~~ in electronic format to the commission ~~may~~
4 ~~require,~~ price schedules showing all noncompetitive
5 essential telecommunications services terms, conditions and
6 prices currently in effect and charged to customers by the
7 company in this state. All prices for new noncompetitive
8 essential telecommunications services, and any increase in
9 prices for noncompetitive essential telecommunications
10 services as authorized by the commission pursuant to W.S.
11 37-15-203, shall be filed with the commission for approval
12 thirty (30) days prior to the proposed effective date. The
13 company shall also provide notice to each impacted customer
14 electronically or in print using the same manner the
15 customer receives bills from the company. No price increase
16 for a noncompetitive essential telecommunications service
17 shall be effective unless the customer has been given
18 notice by the provider at least one (1) full billing cycle
19 prior to the proposed increase and the increase has been
20 approved by the commission as required by W.S. 37-15-203.
21 No price or price change is effective until filed in
22 accordance with this section. For purposes of this
23 subsection, the rules, regulations, policies, practices and

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

13

14 **37-15-404. Protection of telecommunications**
15 **consumers.**

16

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

21

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

1

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

6

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

9

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

12

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

15

16 **37-15-405. Complaint against prices.**

17

18 Any person, and the commission on its own motion, may
19 complain to the commission concerning the reasonableness of
20 the price of any noncompetitive essential
21 telecommunications service or any violation of W.S.

22 37-15-404. Any notice and hearing of any complaint shall
23 be in accordance with the Wyoming Administrative Procedure

1 Act and this chapter. The commission shall only set aside
2 any price it finds after notice and hearing to be
3 unreasonable or unreasonably discriminatory. If the
4 commission sets aside a price as unreasonable or
5 unreasonably discriminatory, the telecommunications company
6 shall have sixty (60) days to file a new price which is
7 reasonable. The company shall refund any charges found to
8 be unreasonable as ordered by the commission. Rates or
9 prices for noncompetitive essential telecommunications
10 services in effect as of July 1, 2006, are deemed to be
11 fair and reasonable.

12

13 **37-15-406. Quality of service.**

14

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

1 service. The commission shall authorize a
2 telecommunications provider to recover the cost of
3 compliance as reasonably determined by any commission order
4 under this section.

5

6 **37-15-413. Limitation on authority of political**
7 **subdivision to enter exclusive agreement for provision of**
8 **telecommunications service or broadband internet access**
9 **service.**

10

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

22

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

7
8 (ii) Have submitted a written request to all
9 private providers of telecommunications services or
10 broadband internet access services within the boundaries of
11 the city, town or political subdivision for provision of
12 the same quality and grade of telecommunications service or
13 broadband internet access service within the same time
14 frame and at the same consumer prices proposed under the
15 exclusive contract;

16
17 (iii) Determine, after notice and opportunity
18 for a public hearing that the private telecommunications
19 service or broadband internet access service providers have
20 not agreed within ninety (90) days of the receipt of the
21 request submitted pursuant to paragraph (ii) of this
22 subsection to provide the same quality and grade of service
23 within the same time frame and at the same consumer prices

1 as proposed under the exclusive contract, or if the
2 provider has agreed, that the provider has not commenced
3 providing or constructing facilities to provide the service
4 in the manner agreed upon; and

5
6 (b) The governing body of a city or town or other
7 political subdivision shall allow the nondiscriminatory,
8 nonexclusive and competitively neutral use of its
9 rights-of-way including its poles, conduits, ducts or
10 similar support structures by any telecommunications
11 company or broadband internet access company and nothing in
12 this section shall be construed to the contrary.

13
14 (c) Nothing in this section shall restrict the
15 governing body of a city or town, or other political
16 subdivision, from providing a telecommunications service, a
17 broadband internet access service or a related facility:

18
19 (d) Nothing in this section shall be construed to
20 restrict the governing body of a city or town or other
21 political subdivision, from providing a telecommunications
22 service or broadband internet access service to a party
23 within the geographic area in which the city, town or

1 political subdivision operates as a telecommunications
2 utility. Any city, town or political subdivision providing
3 a telecommunications service under this subsection shall:

4

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

8

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

14

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

20

21 (ii) If the city, town or political subdivision
22 does not cure the anticompetitive behavior within ninety
23 (90) days, the commission shall commence a contested case

1 hearing on the complaint, governed by the Wyoming
2 Administrative Procedure Act, W.S. 16-3-101 et seq. If,
3 following the hearing, the commission finds that the city,
4 town or political subdivision has violated this section,
5 the commission shall prohibit the city, town or political
6 subdivision from providing any telecommunications service
7 or broadband internet access service until the violation of
8 this section is remedied.

9

10 **37-15-501. Universal service fund created;**
11 **contributions; administration.**

12

13 (b) The commission shall after notice and opportunity
14 for hearing, designate the method by which the
15 contributions shall be calculated, collected and
16 distributed. The commission shall authorize a monthly
17 charge to customers, in the amount specified by the
18 commission, to recover each contributor's required payment
19 to the universal service fund. Any charge related to mobile
20 telecommunications service shall only apply if the
21 customer's place of primary use is in this state as
22 provided by the Mobile Telecommunications Sourcing Act, 4
23 U.S.C. 116 to 126. The provisions of the Mobile

1 Telecommunications Sourcing Act shall apply to this
2 subsection. In the case of prepaid wireless
3 telecommunications access, the charge shall be imposed as
4 provided in subsection (j) of this section. No contribution
5 is required and no charge shall be imposed on lifeline
6 services provided under the federal lifeline program.

7
8 (c) The commission shall administer the monies in the
9 universal service fund to assist only those customers of
10 telecommunications companies located in areas of this state
11 with relatively high rates for noncompetitive ~~essential~~
12 local exchange services. Services deemed competitive under
13 W.S. 37-15-202(a), (c) or (d) shall not be eligible for
14 universal service fund support under this article. The
15 commission, after notice and opportunity for hearing, shall
16 determine a reasonable amount and a fair method of
17 distributing monies. The commission may authorize a credit
18 to customer bills, in the amount specified by the
19 commission, to reflect distributions received by the local
20 exchange company from the universal service fund. The
21 commission shall ensure that the method shall promote the
22 emergence of competition in providing local exchange
23 service.

1

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

12

13 (g) A telecommunications company that undertakes the
14 requirements set forth in this subsection may make a
15 one-time, irrevocable before July 1, 2023, election in
16 writing to the commission to receive Wyoming universal
17 service funds pursuant to this subsection rather than
18 pursuant to subsection (d) of this section. In order to
19 receive funds pursuant to this subsection, the company
20 shall provide ~~essential~~ noncompetitive local exchange
21 service, or its functional equivalent, upon reasonable
22 request throughout the local exchange area of a rural
23 incumbent local exchange carrier, as defined by the federal

1 communications commission on January 1, 2015, at a price
2 not exceeding the price benchmark established in subsection
3 (h) of this section. A telecommunications company which
4 elects to receive Wyoming universal service funds pursuant
5 to this subsection shall receive funds to the extent that
6 its loop costs, as reflected in the company's most recent
7 annual filing of unseparated loop costs filed with the
8 Universal Service Administration Company, exceed the
9 company's most recent annual federal universal service
10 funds receipts and annual local revenues. In calculating
11 annual local revenues the commission shall utilize the
12 imputed price benchmark established in subsection (h) of
13 this section. If an otherwise qualified company elects to
14 receive Wyoming universal service funds pursuant to this
15 subsection, but does not file an annual unseparated loop
16 cost report with the Universal Service Administration
17 Company, it shall file the equivalent information with the
18 commission.

19

20 (h) The price benchmark shall be thirty dollars
21 (\$30.00) unless otherwise adjusted by the commission
22 pursuant to this subsection. The commission shall review
23 the price benchmark one (1) time every four (4) years and,

1 after review, shall adjust the benchmark as necessary to
2 assure that it approximates one hundred thirty percent
3 (130%) of the weighted statewide average ~~essential~~ local
4 exchange service price. The commission may change the price
5 benchmark at any time if, after notice and opportunity for
6 a hearing, the commission determines that the price
7 benchmark does not approximate one hundred thirty percent
8 (130%) of the weighted statewide average ~~essential~~ local
9 exchange service price and that the price benchmark should
10 be adjusted by ten percent (10%) or more.

11

12 (j) Beginning July 1, 2026, for prepaid wireless
13 telecommunications access the charge shall be imposed on
14 every retail sale of prepaid wireless communications access
15 in Wyoming. The charge shall not be imposed on sales of
16 prepaid wireless communications access intended for resale
17 or upon any state or local governmental entity. The
18 following shall apply to the charge under this subsection:

19

20 (i) The rate of the charge shall be the
21 percentage rate applicable to intrastate telecommunications
22 service, as determined by the commission pursuant to
23 subsection (a) of this section, multiplied by one (1) minus

1 the interstate wireless safe harbor percentage as
2 determined by the Federal Communications Commission for
3 calculating the federal universal service fund charge,
4 rounded to one (1) decimal point;

5
6 (ii) The rate of the universal service fund
7 charge on prepaid wireless telecommunications access shall
8 only change once in a calendar year and any rate change
9 shall only occur on the first day of a calendar quarter.
10 The commission shall notify the department of revenue not
11 less than forty-five (45) days prior to the proposed rate
12 change, and the department of revenue shall notify sellers
13 not less than thirty (30) days prior to the rate change. If
14 the notification deadlines under this paragraph are not
15 met, the rate change shall take effect on the first day of
16 the next calendar quarter;

17
18 (iii) A seller shall collect the charge from
19 each purchaser of prepaid wireless communications access,
20 which purchaser shall be considered a service user. The
21 amount of the charge shall be either separately stated on
22 an invoice, receipt or other similar document that is

1 provided to the service user by the seller or shall be
2 otherwise disclosed to the service user;

3
4 (iv) For purposes of this subsection, a retail
5 sale of prepaid wireless communications access occurs in
6 Wyoming if the transaction would be sourced to Wyoming
7 under W.S. 39-15-104(f)(xi)(C);

8
9 (v) The charge under this subsection is the
10 liability of the service user and the seller. The seller
11 shall be liable to remit all charges due or collected as
12 provided in paragraph (viii) of this subsection;

13
14 (vi) If the charge collected pursuant to this
15 subsection is separately stated on an invoice, receipt or
16 similar document provided to the service user by the
17 service supplier, the charge shall not be included in the
18 base for calculating any other tax, fee, surcharge or other
19 charge imposed by this state, any political subdivision of
20 the state or any other governmental agency;

21
22 (vii) When prepaid wireless communication access
23 is sold with one (1) or more other products or services for

1 a single, nonitemized price, the charge authorized by
2 subsection (a) of this section shall not be applied to a
3 retail sale of prepaid wireless communications access of
4 ten (10) or fewer minutes or that has a value of five
5 dollars (\$5.00) or less;

6
7 (viii) All charges collected under this
8 subsection shall be remitted by the seller who collected
9 them to the department of revenue as follows:

10
11 (A) A seller shall remit to the department
12 of revenue all charges collected at the times and in the
13 manner provided by W.S. 39-15-107(a). The department of
14 revenue may establish by rule procedures reasonably
15 necessary to facilitate the transfer of the charges. The
16 seller shall be subject to the penalty and enforcement
17 provisions provided by W.S. 39-15-108 for any failure to
18 collect or remit charges under this subsection;

19
20 (B) A seller remitting collected charges
21 under this paragraph may deduct and retain three percent
22 (3%) of the charges collected as the cost of administration
23 for collecting the charges;

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(C) The audit and appeal procedures applicable to the collection of state sales taxes shall apply to the collection and remittance of charges authorized by this subsection;

(D) Pursuant to rules adopted for this purpose, the department of revenue shall establish a procedure by which a seller shall document that a transaction is not a retail sale subject to the charge imposed by this subsection. The procedure shall be substantially similar to the procedure used to document a sale for resale transaction for purposes of sales tax;

(E) A seller may combine the universal service fund charge imposed by this subsection and the 911 emergency tax imposed by W.S. 16-9-109 into a single combined charge collected on a retail sale of prepaid wireless communications access and remitted to the department of revenue. If the seller elects to combine the universal service fund charge and the 911 emergency tax, the combined charge shall be identified as "911/USF Charge" on the invoice, receipt or other similar document that is

1 provided to the service user by the seller or otherwise
2 disclosed by the seller to the service user.

3

4 (ix) The charges collected by the department of
5 revenue under this subsection shall not be general revenues
6 of the state and shall be held by the department in a
7 separate account for distribution as follows:

8

9 (A) The department shall deduct one percent
10 (1%) of the total monies collected to cover its
11 administrative expenses and costs, which amount shall be
12 remitted to the treasurer for credit to the general fund;

13

14 (B) After deduction of the amount
15 authorized by subparagraph (A) of this paragraph, the
16 department shall pay all remaining amounts collected to the
17 universal service fund. If a seller elects to remit a
18 single combined 911/USF Charge, the department of revenue
19 shall remit funds to the universal service fund and to the
20 counties proportionally based on the respective rates of
21 the 911 emergency tax and the universal service fund
22 charge;

23

1 (C) The payment authorized by subparagraph
2 (B) of this paragraph shall be remitted monthly to the
3 universal service fund no later than the end of the
4 following calendar month.

5
6 (x) The department of revenue shall promulgate
7 any rules necessary to implement this subsection;

8
9 (xi) As used in this subsection:

10
11 (A) "Prepaid wireless communications
12 access" means wireless communications access which requires
13 advance payment and that is sold in predetermined units or
14 dollars of which the number declines with use in a known
15 amount;

16
17 (B) "Seller" means a person who sells
18 prepaid wireless telecommunications access in a retail
19 transaction;

20
21 (C) "Service user" means any person who
22 purchases prepaid wireless telecommunications access in a
23 retail transaction.

1

2 **37-15-502. Universal service fund eligibility and**
3 **distribution to carriers.**

4

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

12

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

17

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

