

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

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:*

1

2           **Section 1.** W.S. 37-15-101(b), 37-15-103(a)(iv) by  
3 creating a new subparagraph (F), (viii), (ix), (xiv) and by  
4 creating new paragraphs (xviii) and (xix),  
5 37-15-104(a)(intro), by creating a new subsection (b) and  
6 by amending and renumbering (b) as (c), 37-15-195(c),  
7 37-15-202(a)(intro) and (d)(i), 37-15-203(f)(iv),  
8 37-15-204(a), 37-15-404(c), (e)(i), (v), (vi) and by  
9 creating a new paragraph (vii), 37-15-405, 37-15-406(b),  
10 37-15-413(a)(intro), (i) through (iii), (b), (c)(intro),  
11 (d) and (e)(ii), 37-15-501(b), (c), (d), (g), (h) and by  
12 creating a new subsection (j) and 37-15-502(a)(intro), (i)  
13 and (iii) are amended to read:

14

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

16

17           (b) This chapter is repealed effective ~~July 1, 2025~~  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

19

20           **37-15-103. Definitions.**

21

22           (a) As used in this chapter:

23

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

7  
8           ~~(A) Access to interexchange services~~  
9 ~~provided by interexchange telecommunications companies;~~

10  
11           ~~(B) Single line flat-rate or single line~~  
12 ~~measured residence or business voice service;~~

13  
14           ~~(C) Transmission service and facilities~~  
15 ~~necessary for the connection between the end user's or~~  
16 ~~customer's premises and local network switching facility~~  
17 ~~including the necessary signaling service used by customers~~  
18 ~~to access essential telecommunications services;~~

19  
20           ~~(D) Services necessary to connect 911~~  
21 ~~emergency services to the local network;~~

22

1 \*\*\*\*\*  
 2 \*\*\*\*\*  
 3 STAFF COMMENT  
 4 The language above is repealed in section 2 of the bill.  
 5 The stricken language will not be included in the final  
 6 version of the bill but is included here for Committee  
 7 discussion.  
 8 \*\*\*\*\*  
 9 \*\*\*\*\*  
 10

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

18  
 19 (F) Local exchange service.

20  
 21 (viii) "Local exchange service" means ~~the~~  
 22 ~~provision of essential telecommunications~~ residential or  
 23 business service within a local exchange area capable of  
 24 providing:

25  
 26 (A) Access to interexchange services  
 27 provided by interexchange telecommunications companies;

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(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;

(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;

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~~(xvi) "Supported services" means the services or functionalities which shall be supported by the state universal service fund pursuant to W.S. 37-15-502, as described in subparagraphs (A) and (B) of this paragraph:~~

~~(A) The services designated for support are:~~

~~(I) Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call;~~

~~(II) Local usage. "Local usage" means an amount of minutes of use of exchange service, prescribed by the commission, provided free of charge to end users;~~

~~(III) Dual tone multi-frequency signaling or its functional equivalent. "Dual tone multi-~~

1 ~~frequency" is a method of signaling that facilitates the~~  
2 ~~transportation of signaling through the network, shortening~~  
3 ~~call set-up time;~~

4  
5 ~~(IV) Single-party service or its~~  
6 ~~functional equivalent. "Single-party service" is~~  
7 ~~telecommunications service that permits users to have~~  
8 ~~exclusive use of a wireline subscriber loop or access line~~  
9 ~~for each call placed, or, in the case of wireless~~  
10 ~~telecommunications carriers, which use spectrum shared~~  
11 ~~among users to provide service, a dedicated message path~~  
12 ~~for the length of a user's particular transmission;~~

13  
14 ~~(V) Access to emergency services.~~  
15 ~~"Access to emergency services" includes access to services,~~  
16 ~~such as 911 and enhanced 911, provided by local governments~~  
17 ~~or other public safety organizations. 911 is defined as a~~  
18 ~~service that permits a telecommunications user, by dialing~~  
19 ~~the three-digit code "911," to call emergency services~~  
20 ~~through a public safety answering point operated by the~~  
21 ~~local government. "Enhanced 911" is defined as 911 service~~  
22 ~~that includes the ability to provide automatic numbering~~  
23 ~~information, which enables the public safety answering~~

1 ~~point to call back if the call is disconnected, and~~  
2 ~~automatic location information, which permits emergency~~  
3 ~~service providers to identify the geographic location of~~  
4 ~~the calling party. "Access to emergency services" includes~~  
5 ~~access to 911 and enhanced 911 services in accordance with~~  
6 ~~applicable governing authority;~~

7  
8 ~~(VI) Access to operator services.~~  
9 ~~"Access to operator services" is defined as access to any~~  
10 ~~automatic or live assistance to a consumer to arrange for~~  
11 ~~billing or completion, or both, of a telephone call;~~

12  
13 ~~(VII) Access to interexchange service.~~  
14 ~~"Access to interexchange service" is defined as the use of~~  
15 ~~the loop, as well as that portion of the switch that is~~  
16 ~~paid for by the end user, or the functional equivalent of~~  
17 ~~these network elements in the case of a wireless carrier,~~  
18 ~~necessary to access an interexchange carrier's network;~~

19  
20 ~~(VIII) Access to directory assistance.~~  
21 ~~"Access to directory assistance" is defined as access to a~~  
22 ~~service that includes, but is not limited to, making~~



1 ~~available to customers, upon request, information contained~~  
2 ~~in directory listings; and~~

3  
4 ~~(IX) Toll limitation for qualifying~~  
5 ~~low-income consumers.~~

6  
7 ~~(B) The commission may grant a company~~  
8 ~~additional time to complete the network upgrades needed to~~  
9 ~~provide single-party service, access to enhanced 911~~  
10 ~~service, or toll limitation. If such petition is granted,~~  
11 ~~the otherwise eligible company will be permitted to receive~~  
12 ~~universal service support for the duration of the period~~  
13 ~~designated by the commission. The commission shall grant~~  
14 ~~such a request only upon a finding that exceptional~~  
15 ~~circumstances prevent an otherwise eligible company from~~  
16 ~~providing single-party service, access to enhanced 911~~  
17 ~~service or toll limitation. The period should extend only~~  
18 ~~as long as the commission finds that exceptional~~  
19 ~~circumstances exist and shall not extend beyond the time~~  
20 ~~that the commission deems necessary for that company to~~  
21 ~~complete network upgrades. An otherwise eligible company~~  
22 ~~that is incapable of offering one (1) or more of these~~  
23 ~~three (3) specific supported services must demonstrate to~~

1 ~~the commission that exceptional circumstances exist with~~  
2 ~~respect to each service for which the carrier desires a~~  
3 ~~grant of additional time to complete network upgrades.~~

4

5 \*\*\*\*\*

6 \*\*\*\*\*

7 **STAFF COMMENT**

8 Repealed language is shown here for Committee discussion.  
9 This language will not be shown in the final version of the  
10 bill.

11 \*\*\*\*\*

12 \*\*\*\*\*

13

14 (xviii) "Broadband internet access service"

15 means a mass-market retail service by wire or radio that

16 provides the capability to transmit data to and receive

17 data from all or substantially all internet endpoints,

18 including any capabilities that are incidental to and

19 enable the operation of the communications service.

20 "Broadband internet access service" shall not include dial-

21 up internet access service;

22

23 \*\*\*\*\*

24 \*\*\*\*\*

25 **STAFF COMMENT**

26 This definition is included from the draft language  
27 provided at the July meeting of the Committee and is used  
28 in the changes to W.S. 37-15-413 below. At the July meeting  
29 there was a request to identify how the bill could be  
30 modified to remove the broadband provisions from the bill.

1 If that section is removed from the bill, this definition  
2 should also be removed.

3 \*\*\*\*\*  
4 \*\*\*\*\*  
5

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

10

11 **37-15-104. Services regulated by this title.**

12

13 (a) Except to the extent otherwise provided in this  
14 section, the provisions of this title shall only apply to  
15 noncompetitive essential telecommunications services. All  
16 telecommunications services shall be subject to  
17 contributions to the universal service fund required  
18 pursuant to W.S. 37-15-501, the requirements of W.S.  
19 37-15-202(h), 37-15-401, 37-15-404, 37-15-412 and  
20 37-15-413, the requirements of W.S. 37-15-105 for voice  
21 over internet protocol and IP enabled services and the  
22 assessment levied pursuant to W.S. 37-2-106 through  
23 37-2-109., ~~telecommunications service does not include, and~~  
24 ~~the provisions of this title do not apply to:~~

25

1           ~~(i) One-way transmission of radio or television~~  
2 ~~signals for broadcast purposes, including the one-way~~  
3 ~~transmission of video programming by a cable television or~~  
4 ~~other system as well as subscriber interaction which is~~  
5 ~~required for the selection of video programming;~~

6  
7           ~~(ii) Home and business and coinless, or coin~~  
8 ~~operated public or semipublic telephone terminal equipment,~~  
9 ~~and the use, location and charges for the use of such~~  
10 ~~equipment;~~

11  
12           ~~(iii) Any billing and collection services;~~

13  
14           ~~(iv) Any inside wire and premise cable~~  
15 ~~installation and maintenance;~~

16  
17           ~~(v) Directory services, except as provided in~~  
18 ~~W.S. 37-12-130;~~

19  
20           ~~(vi) Telecommunications services using radio~~  
21 ~~spectrum, cellular, or other wireless technology except as~~  
22 ~~set forth in subparagraphs (A), (B) and (C) of this~~  
23 ~~paragraph;~~

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~~(B) To the extent permitted in accordance with the requirements set forth in federal law, consideration and determination of an application for designation as a federal eligible telecommunications carrier;~~

~~(C) Determinations of eligibility for and amount of distribution of state universal service funds by the commission for supported services in accordance with W.S. 37-15-502.~~

~~(vii) Video dial tone and multimedia services;~~

~~(viii) Private telecommunications networks, which for the purposes of this act shall mean a system for the provision of telecommunications service by a person or entity for the sole and exclusive use of the person or entity and not for resale directly or indirectly;~~

~~(ix) Nonvoice data services not operated by a company providing local exchange service;~~

1           ~~(x) Networks established by a person other than~~  
2 ~~the local exchange company providing essential~~  
3 ~~telecommunications services within the local exchange area~~  
4 ~~to provide access to interexchange carrier services;~~

5  
6           ~~(xi) Except as provided in this paragraph,~~  
7 ~~direct inward dial services and other services needed by~~  
8 ~~answering services and paging services. To the extent not~~  
9 ~~preempted by federal law or regulation the commission shall~~  
10 ~~regulate direct inward dial services and other services~~  
11 ~~needed by answering services and paging services as~~  
12 ~~noncompetitive services in any local exchange area until~~  
13 ~~there are at least two (2) telecommunications companies~~  
14 ~~effectively offering direct inward dial and other needed~~  
15 ~~services to the answering services and paging services~~  
16 ~~serving that local exchange area;~~

17  
18           ~~(xii) Remote meter reading; and~~

19  
20           ~~(xiii) Any other telecommunications service that~~  
21 ~~is not regulated by this title.~~

22

1 \*\*\*\*\*  
 2 \*\*\*\*\*  
 3 STAFF COMMENT  
 4 The above paragraphs are repealed in section 2 of this  
 5 bill. Repealed language is shown for Committee discussion  
 6 and will not be included in the final version of this bill.  
 7 \*\*\*\*\*  
 8 \*\*\*\*\*  
 9

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

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

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

24  
 25 (iii) Any required contributions to the  
 26 universal service fund under W.S. 37-15-501;

27

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

3  
4       ~~(b)(c) In addition to subsection (a) of this section,~~  
5 ~~telecommunications service does not include, and~~ The  
6 provisions of this title do not apply to:

7  
8           (i) Telecommunications services provided by the  
9 department of enterprise technology to private health care  
10 providers under W.S. 9-2-2906(j) ~~;~~ or

11  
12           (ii) Private telecommunications networks. As  
13 used in this paragraph, "private telecommunications  
14 network" means a system for the provision of  
15 telecommunications service by a person for the sole and  
16 exclusive use of the person and not for resale either  
17 directly or indirectly.

18  
19           **37-15-105. VoIP and internet protocol enabled**  
20 **services.**

21  
22           (c) If a service provider voluntarily chooses to  
23 receive Wyoming universal service funds to support voice



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

9

10 **37-15-202. Determination of competitive services.**

11

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

1 pursuant to W.S. 37-15-501 and that support shall account  
2 for price and cost adjustments necessary because of the  
3 competitive classification of formerly supported locations.

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

7

8 \*\*\*\*\*  
9 \*\*\*\*\*  
10 **STAFF COMMENT**  
11 **The changes above were not included in the draft language**  
12 **that was presented to the Committee at the July meeting.**  
13 **Some of the changes above were included in a subparagraph**  
14 **(j) that was included in the previous draft but which is**  
15 **not included in this bill.**  
16 \*\*\*\*\*  
17 \*\*\*\*\*  
18

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

23

24 (i) At least seventy-five percent (75%) of the  
25 class of customers in the area have access to at least one  
26 (1) landline carrier unaffiliated with the applicant  
27 providing local ~~voice~~ exchange service. The local ~~voice~~  
28 exchange service may be provided in combination with other

1 services. If a company does not differentiate between  
2 residential and business classes of service in its  
3 application, the requirement shall be that at least sixty  
4 percent (60%), considering residential and business  
5 customers as one (1) class of customers, have access to at  
6 least one (1) landline carrier unaffiliated with the  
7 applicant;

8

9 **37-15-203. Price regulation of noncompetitive**  
10 **essential services.**

11

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

16

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

1 disproportionately affecting the cost of providing their  
2 noncompetitive essential telecommunications services.

3

4 **37-15-204. Price schedules.**

5

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

1 (1) full billing cycle prior to the proposed increase and  
2 the increase has been approved by the commission as  
3 required by W.S. 37-15-203. No price or price change is  
4 effective until filed in accordance with this section. For  
5 purposes of this subsection, the rules, regulations,  
6 policies, practices and other requirements relating to  
7 services shall be posted on a local exchange company's  
8 website and filed with the commission in ~~such form and~~  
9 ~~detail as the commission may require~~ a simplified format  
10 which is not required to comply with the tariff formatting  
11 standards that were previously adopted by the commission. A  
12 local exchange company shall not be required to file or  
13 maintain paper copies of its price schedule with the  
14 commission. Rules, regulations, policies, practices and  
15 other requirements relating to noncompetitive essential  
16 telecommunications services shall be subject to the same  
17 requirements under this chapter as the prices of  
18 noncompetitive essential telecommunications services.

19

20 **37-15-404. Protection of telecommunications**  
21 **consumers.**

22

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

5

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

8

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

13

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

16

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

19

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

22

23 **37-15-405. Complaint against prices.**

1

2 Any person, and the commission on its own motion, may  
3 complain to the commission concerning the reasonableness of  
4 the price of any noncompetitive essential  
5 telecommunications service or any violation of W.S.  
6 37-15-404. Any notice and hearing of any complaint shall  
7 be in accordance with the Wyoming Administrative Procedure  
8 Act and this chapter. The commission shall only set aside  
9 any price it finds after notice and hearing to be  
10 unreasonable or unreasonably discriminatory. If the  
11 commission sets aside a price as unreasonable or  
12 unreasonably discriminatory, the telecommunications company  
13 shall have sixty (60) days to file a new price which is  
14 reasonable. The company shall refund any charges found to  
15 be unreasonable as ordered by the commission. Rates or  
16 prices for noncompetitive essential telecommunications  
17 services in effect as of July 1, 2006, are deemed to be  
18 fair and reasonable.

19

20 **37-15-406. Quality of service.**

21

22 (b) Any customer, and the commission on its own  
23 motion, may complain concerning the quality of service

1 provided by a telecommunications company for noncompetitive  
2 essential telecommunications service. A complaint shall be  
3 noticed and heard as provided for in the Wyoming  
4 Administrative Procedure Act. The commission, after notice  
5 and hearing, may direct the telecommunications company to  
6 take whatever remedial action is technically feasible and  
7 economically reasonable to provide reasonably adequate  
8 service. The commission shall authorize a  
9 telecommunications provider to recover the cost of  
10 compliance as reasonably determined by any commission order  
11 under this section.

12

13 **37-15-413. Limitation on authority of political**  
14 **subdivision to enter exclusive agreement for provision of**  
15 **telecommunications service or broadband internet access**  
16 **service.**

17

18 (a) Except as provided in subsections (b) through (d)  
19 of this section, before the governing body of any city or  
20 town or other political subdivision of this state shall  
21 provide for the construction, maintenance or operation of  
22 any telecommunications service or broadband internet access  
23 service by entering into an exclusive franchise,



1 partnership, joint venture, contract, resale agreement or  
2 any other exclusive agreement with any party regarding  
3 telecommunications service or broadband internet access  
4 service, the city, town or other political subdivision  
5 shall:

6  
7 (i) Determine, after notice and opportunity for  
8 a public hearing, that no private provider of  
9 telecommunications services or broadband internet access  
10 services, as applicable, is currently providing  
11 substantially the same or similar service anywhere within  
12 the boundaries of the city, town or political subdivision;

13  
14 (ii) Have submitted a written request to all  
15 private providers of telecommunications services or  
16 broadband internet access services within the boundaries of  
17 the city, town or political subdivision for provision of  
18 the same quality and grade of telecommunications service or  
19 broadband internet access service within the same time  
20 frame and at the same consumer prices proposed under the  
21 exclusive contract;

22

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

12

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

20

21           (c) Nothing in this section shall restrict the  
22 governing body of a city or town, or other political

1 subdivision, from providing a telecommunications service, a  
2 broadband internet access service or a related facility:

3  
4 (d) Nothing in this section shall be construed to  
5 restrict the governing body of a city or town or other  
6 political subdivision, from providing a telecommunications  
7 service or broadband internet access service to a party  
8 within the geographic area in which the city, town or  
9 political subdivision operates as a telecommunications  
10 utility. Any city, town or political subdivision providing  
11 a telecommunications service under this subsection shall:

12  
13 (i) Provide the telecommunications service or  
14 broadband internet access service on a nondiscriminatory,  
15 nonexclusive and competitively neutral basis; and

16  
17 (ii) Provide the telecommunications service or  
18 broadband internet access service at a price which covers  
19 cost, including imputed costs that the city, town or  
20 political subdivision would incur if it were a for-profit  
21 telecommunications company.

22

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

6  
7 (ii) If the city, town or political subdivision  
8 does not cure the anticompetitive behavior within ninety  
9 (90) days, the commission shall commence a contested case  
10 hearing on the complaint, governed by the Wyoming  
11 Administrative Procedure Act, W.S. 16-3-101 et seq. If,  
12 following the hearing, the commission finds that the city,  
13 town or political subdivision has violated this section,  
14 the commission shall prohibit the city, town or political  
15 subdivision from providing any telecommunications service  
16 or broadband internet access service until the violation of  
17 this section is remedied.

18

19 \*\*\*\*\*  
20 \*\*\*\*\*  
21 STAFF COMMENT  
22 At the July meeting there was a request to identify how the  
23 bill could be modified to remove the broadband provisions.  
24 Those changes are all reflected in 37-15-413 above.  
25 \*\*\*\*\*  
26 \*\*\*\*\*

27

1           **37-15-501. Universal service fund created;**  
2 **contributions; administration.**

3  
4           (b) The commission shall after notice and opportunity  
5 for hearing, designate the method by which the  
6 contributions shall be calculated, collected and  
7 distributed. The commission shall authorize a monthly  
8 charge to customers, in the amount specified by the  
9 commission, to recover each contributor's required payment  
10 to the universal service fund. Any charge related to mobile  
11 telecommunications service shall only apply if the  
12 customer's place of primary use is in this state as  
13 provided by the Mobile Telecommunications Sourcing Act, 4  
14 U.S.C. 116 to 126. The provisions of the Mobile  
15 Telecommunications Sourcing Act shall apply to this  
16 subsection. In the case of prepaid wireless  
17 telecommunications access, the charge shall be imposed as  
18 provided in subsection (j) of this section. No contribution  
19 is required and no charge shall be imposed on lifeline  
20 services provided under the federal lifeline program.

21

22           (c) The commission shall administer the monies in the  
23 universal service fund to assist only those customers of

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

15  
16 (d) In accordance with the method of distribution  
17 determined by the commission, a telecommunications company  
18 shall, unless it elects to receive Wyoming universal  
19 service funds pursuant to the method set forth in  
20 subsection (g) of this section, receive funds under this  
21 section to the extent that its noncompetitive ~~essential~~  
22 local exchange service prices, after consideration of any  
23 contributions from the federal universal service fund,

1 exceed the price benchmark established in subsection (h) of  
2 this section.

3  
4 (g) A telecommunications company that undertakes the  
5 requirements set forth in this subsection may make a one-  
6 time, irrevocable before July 1, 2023, election in writing  
7 to the commission to receive Wyoming universal service  
8 funds pursuant to this subsection rather than pursuant to  
9 subsection (d) of this section. In order to receive funds  
10 pursuant to this subsection, the company shall provide  
11 ~~essential~~noncompetitive local exchange service, or its  
12 functional equivalent, upon reasonable request throughout  
13 the local exchange area of a rural incumbent local exchange  
14 carrier, as defined by the federal communications  
15 commission on January 1, 2015, at a price not exceeding the  
16 price benchmark established in subsection (h) of this  
17 section. A telecommunications company which elects to  
18 receive Wyoming universal service funds pursuant to this  
19 subsection shall receive funds to the extent that its loop  
20 costs, as reflected in the company's most recent annual  
21 filing of unseparated loop costs filed with the Universal  
22 Service Administration Company, exceed the company's most  
23 recent annual federal universal service funds receipts and

1 annual local revenues. In calculating annual local  
2 revenues the commission shall utilize the imputed price  
3 benchmark established in subsection (h) of this section.  
4 If an otherwise qualified company elects to receive Wyoming  
5 universal service funds pursuant to this subsection, but  
6 does not file an annual unseparated loop cost report with  
7 the Universal Service Administration Company, it shall file  
8 the equivalent information with the commission.

9

10 (h) The price benchmark shall be thirty dollars  
11 (\$30.00) unless otherwise adjusted by the commission  
12 pursuant to this subsection. The commission shall review  
13 the price benchmark one (1) time every four (4) years and,  
14 after review, shall adjust the benchmark as necessary to  
15 assure that it approximates one hundred thirty percent  
16 (130%) of the weighted statewide average ~~essential~~-local  
17 exchange service price. The commission may change the price  
18 benchmark at any time if, after notice and opportunity for  
19 a hearing, the commission determines that the price  
20 benchmark does not approximate one hundred thirty percent  
21 (130%) of the weighted statewide average ~~essential~~-local  
22 exchange service price and that the price benchmark should  
23 be adjusted by ten percent (10%) or more.



1

2 (j) Beginning July 1, 2026, for prepaid wireless  
3 telecommunications access the charge shall be imposed on  
4 every retail sale of prepaid wireless communications access  
5 in Wyoming. The charge shall not be imposed on sales of  
6 prepaid wireless communications access intended for resale  
7 or upon any state or local governmental entity. The  
8 following shall apply to the charge under this subsection:

9

10 (i) The rate of the charge shall be the  
11 percentage rate applicable to intrastate telecommunications  
12 service, as determined by the commission pursuant to  
13 subsection (a) of this section, multiplied by one (1) minus  
14 the interstate wireless safe harbor percentage as  
15 determined by the Federal Communications Commission for  
16 calculating the federal universal service fund charge,  
17 rounded to one (1) decimal point;

18

19 (ii) The rate of the universal service fund  
20 charge on prepaid wireless telecommunications access shall  
21 only change once in a calendar year and any rate change  
22 shall only occur on the first day of a calendar quarter.  
23 The commission shall notify the department of revenue not

1 less than forty-five (45) days prior to the proposed rate  
2 change, and the department of revenue shall notify sellers  
3 not less than thirty (30) days prior to the rate change. If  
4 the notification deadlines under this paragraph are not  
5 met, the rate change shall take effect on the first day of  
6 the next calendar quarter;

7  
8 (iii) A seller shall collect the charge from  
9 each purchaser of prepaid wireless communications access,  
10 which purchaser shall be considered a service user. The  
11 amount of the charge shall be either separately stated on  
12 an invoice, receipt or other similar document that is  
13 provided to the service user by the seller or shall be  
14 otherwise disclosed to the service user;

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

20  
21 (v) The charge under this subsection is the  
22 liability of the service user and the seller. The seller

1 shall be liable to remit all charges due or collected as  
2 provided in subsection (viii) of this section;

3  
4 (vi) If the charge collected pursuant to this  
5 subsection is separately stated on an invoice, receipt or  
6 similar document provided to the service user by the  
7 service supplier, the charge shall not be included in the  
8 base for calculating any other tax, fee, surcharge or other  
9 charge imposed by this state, any political subdivision of  
10 the state or any other governmental agency;

11  
12 (vii) When prepaid wireless communication access  
13 is sold with one (1) or more other products or services for  
14 a single, nonitemized price, the charge authorized by  
15 subsection (a) of this section shall not be applied to a  
16 retail sale of prepaid wireless communications access of  
17 ten (10) or fewer minutes or that has a value of five  
18 dollars (\$5.00) or less;

19  
20 (viii) All charges collected under this  
21 subsection shall be remitted by the seller who collected  
22 them to the department of revenue as follows:

23

1           (A) A seller shall remit to the department  
2 of revenue all charges collected at the times and in the  
3 manner provided by W.S. 39-15-107(a). The department of  
4 revenue may establish by rule procedures reasonably  
5 necessary to facilitate the transfer of the charges. The  
6 seller shall be subject to the penalty and enforcement  
7 provisions provided by W.S. 39-15-108 for any failure to  
8 collect or remit charges under this subsection;

9  
10           (B) A seller remitting collected charges  
11 under this paragraph may deduct and retain three percent  
12 (3%) of the charges collected as the cost of administration  
13 for collecting the charges;

14  
15           (C) The audit and appeal procedures  
16 applicable to the collection of state sales taxes shall  
17 apply to the collection and remittance of charges  
18 authorized by this subsection;

19  
20           (D) Pursuant to rules adopted for this  
21 purpose, the department of revenue shall establish a  
22 procedure by which seller shall document that a transaction  
23 is not a retail sale subject to the charge imposed by this

1 subsection. The procedure shall be substantially similar to  
2 the procedure used to document a sale for resale  
3 transaction for purposes of sales tax;

4  
5 (E) A seller may combine the universal  
6 service fund charge imposed by this subsection and the 911  
7 emergency tax imposed by W.S. 16-9-109 into a single  
8 combined charge collected on a retail sale of prepaid  
9 wireless communications access and remitted to the  
10 department of revenue. If the seller elects to combine the  
11 universal service fund charge and the 911 emergency tax,  
12 the combined charge shall be identified as "911/USF Charge"  
13 on the invoice, receipt or other similar document that is  
14 provided to the service user by the seller or otherwise  
15 disclosed by the seller to the service user.

16  
17 (ix) The charges collected by the department of  
18 revenue under this subsection shall not be general revenues  
19 of the state and shall be held by the department in a  
20 separate account for distribution as follows:

21  
22 (A) The department shall deduct one percent  
23 (1%) of the total monies collected to cover its

1 administrative expenses and costs, which amount shall be  
2 remitted to the treasurer for credit to the general fund;

3  
4 (B) After deduction of the amount  
5 authorized by subparagraph (A) of this paragraph, the  
6 department shall pay all remaining amounts collected to the  
7 universal service fund. If a seller elects to remit a  
8 single combined 911/USF Charge, the department of revenue  
9 shall remit funds to the universal service fund and to the  
10 counties proportionally based on the respective rates of  
11 the 911 emergency tax and the universal service fund  
12 charge;

13  
14 (C) The payment authorized by subparagraph  
15 (B) of this paragraph shall be remitted monthly to the  
16 universal service fund no later than the end of the  
17 following calendar month;

18  
19  
20 (x) The department of revenue shall promulgate  
21 any rules necessary to implement this subsection;

22  
23 (xi) As used in this subsection:

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

(B) "Service user" means any person who purchases prepaid wireless telecommunications access in a retail transaction;

(C) "Seller" means a person who sells prepaid wireless telecommunications access in a retail transaction.

**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

1 universal service fund distributions in an amount to be  
2 determined by the commission, provided that:

3

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

8

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

15

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

18

19 **Section 3.** The department of revenue shall adopt any  
20 rules required by W.S. 37-15-501(j) not later than July 1,  
21 2026.

22

23 **Section 4.**



1

2           (a) Except as provided in subsection (b) of this  
3 section, this act is effective immediately upon completion  
4 of all acts necessary for a bill to become law as provided  
5 by Article 4, Section 8 of the Wyoming Constitution.

6

7           (b) Sections 1 and 2 of this act are effective July  
8 1, 2025.

9

10

(END)