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One Hundred Fourth Congress

of the

United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Wednesday,
the third day of January, one thousand nine hundred and ninety-six

An Act

To promote competition and reduce regulation in order to secure
lower prices and higher quality services for American
telecommunications consumers and encourage the rapid deployment of
new telecommunications technologies.

[Italic->] Be it enacted by the Senate and House of
Representatives of the United States of America in Congress
assembled, [<-Italic]

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE- This Act may be cited as the `Telecommunications
Act of 1996'.

(b) REFERENCES- Except as otherwise expressly provided, whenever
in this Act an amendment or repeal is expressed in terms of an
amendment to, or repeal of, a section or other provision, the
reference shall be considered to be made to a section or other
provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title; references.

Sec. 2. Table of contents.

Sec. 3. Definitions.

TITLE I--TELECOMMUNICATION SERVICES

SUBTITLE A--TELECOMMUNICATIONS SERVICES

Sec. 101. Establishment of part II of title II.

`PART II--DEVELOPMENT OF COMPETITIVE MARKETS

Sec. 102. Eligible telecommunications carriers.

Sec. 103. Exempt telecommunications companies.

Sec. 104. Nondiscrimination principle.

SUBTITLE B--SPECIAL PROVISIONS CONCERNING BELL OPERATING
COMPANIES

Sec. 151. Bell operating company provisions.

`PART III--SPECIAL PROVISIONS CONCERNING BELL OPERATING
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TITLE II--BROADCAST SERVICES

Sec. 201. Broadcast spectrum flexibility.

Sec. 202. Broadcast ownership.

- Sec. 203. Term of licenses.
- Sec. 204. Broadcast license renewal procedures.
- Sec. 205. Direct broadcast satellite service.
- Sec. 206. Automated ship distress and safety systems.
- Sec. 207. Restrictions on over-the-air reception devices.

TITLE III--CABLE SERVICES

- Sec. 301. Cable Act reform.
- Sec. 302. Cable service provided by telephone companies.

^PART V--VIDEO PROGRAMMING SERVICES PROVIDED BY TELEPHONE COMPANIES

- Sec. 303. Preemption of franchising authority regulation of telecommunications services.
- Sec. 304. Competitive availability of navigation devices.
- Sec. 305. Video programming accessibility.

TITLE IV--REGULATORY REFORM

- Sec. 401. Regulatory forbearance.
- Sec. 402. Biennial review of regulations; regulatory relief.
- Sec. 403. Elimination of unnecessary Commission regulations and functions.

TITLE V--OBSCENITY AND VIOLENCE

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- Sec. 501. Short title.
- Sec. 502. Obscene or harassing use of telecommunications facilities under the Communications Act of 1934.
- Sec. 503. Obscene programming on cable television.
- Sec. 504. Scrambling of cable channels for nonsubscribers.
- Sec. 505. Scrambling of sexually explicit adult video service programming.
- Sec. 506. Cable operator refusal to carry certain programs.
- Sec. 507. Clarification of current laws regarding communication of obscene materials through the use of computers.
- Sec. 508. Coercion and enticement of minors.
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SUBTITLE B--VIOLENCE

- Sec. 551. Parental choice in television programming.
- Sec. 552. Technology fund.

SUBTITLE C--JUDICIAL REVIEW

- Sec. 561. Expedited review.

TITLE VI--EFFECT ON OTHER LAWS

- Sec. 601. Applicability of consent decrees and other law.
- Sec. 602. Preemption of local taxation with respect to direct-to-home services.

TITLE VII--MISCELLANEOUS PROVISIONS

- Sec. 701. Prevention of unfair billing practices for information or

services provided over toll-free telephone calls.

Sec. 702. Privacy of customer information.

Sec. 703. Pole attachments.

Sec. 704. Facilities siting; radio frequency emission standards.

Sec. 705. Mobile services direct access to long distance carriers.

Sec. 706. Advanced telecommunications incentives.

Sec. 707. Telecommunications Development Fund.

Sec. 708. National Education Technology Funding Corporation.

Sec. 709. Report on the use of advanced telecommunications services for medical purposes.

Sec. 710. Authorization of appropriations.

SEC. 3. DEFINITIONS.

(a) ADDITIONAL DEFINITIONS- Section 3 (47 U.S.C. 153) is amended--

(1) in subsection (r)--

(A) by inserting `(A)' after `means'; and

(B) by inserting before the period at the end the following: `, or (B) comparable service provided through a system of switches, transmission equipment, or other facilities (or combination thereof) by which a subscriber can originate and terminate a telecommunications service'; and

(2) by adding at the end thereof the following:

`(33) AFFILIATE- The term `affiliate' means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this paragraph, the term `own' means to own an equity interest (or the equivalent thereof) of more than 10 percent.

`(34) AT&T CONSENT DECREE- The term `AT&T Consent Decree' means the order entered August 24, 1982, in the antitrust action styled United States v. Western Electric, Civil Action No. 82-0192, in the United States District Court for the District of Columbia, and includes any judgment or order with respect to such action entered on or after August 24, 1982.

`(35) BELL OPERATING COMPANY- The term `Bell operating company'--

(A) means any of the following companies: Bell Telephone Company of Nevada, Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, New England Telephone and Telegraph Company, New Jersey Bell Telephone Company, New York Telephone Company, U S West Communications Company, South Central Bell Telephone Company, Southern Bell Telephone and Telegraph Company, Southwestern Bell Telephone Company, The Bell Telephone Company of Pennsylvania, The Chesapeake and

Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of West Virginia, The Diamond State Telephone Company, The Ohio Bell Telephone Company, The Pacific Telephone and Telegraph Company, or Wisconsin Telephone Company; and

`(B) includes any successor or assign of any such company that provides wireline telephone exchange service; but

`(C) does not include an affiliate of any such company, other than an affiliate described in subparagraph (A) or (B).

`(36) CABLE SERVICE- The term `cable service' has the meaning given such term in section 602.

`(37) CABLE SYSTEM- The term `cable system' has the meaning given such term in section 602.

`(38) CUSTOMER PREMISES EQUIPMENT- The term `customer premises equipment' means equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

`(39) DIALING PARITY- The term `dialing parity' means that a person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation from among 2 or more telecommunications services providers (including such local exchange carrier).

`(40) EXCHANGE ACCESS- The term `exchange access' means the offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services.

`(41) INFORMATION SERVICE- The term `information service' means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

`(42) INTERLATA SERVICE- The term `interLATA service' means telecommunications between a point located in a local access and transport area and a point located outside such area.

`(43) LOCAL ACCESS AND TRANSPORT AREA- The term `local access and transport area' or `LATA' means a contiguous geographic area--

`(A) established before the date of enactment of the Telecommunications Act of 1996 by a Bell operating company such that no exchange area includes points within more than 1 metropolitan statistical area, consolidated metropolitan statistical area, or State, except as expressly permitted under the AT&T Consent Decree; or

`(B) established or modified by a Bell operating company after such date of enactment and approved by the Commission.

`(44) LOCAL EXCHANGE CARRIER- The term `local exchange carrier' means any person that is engaged in the provision of telephone exchange service or exchange access. Such term does not include a person insofar as such person is engaged in the provision of a commercial mobile service under section 332(c), except to the extent that the Commission finds that such service should be included in the definition of such term.

`(45) NETWORK ELEMENT- The term `network element' means a facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions, and capabilities that are provided by means of such facility or equipment, including subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.

`(46) NUMBER PORTABILITY- The term `number portability' means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

`(47) RURAL TELEPHONE COMPANY- The term `rural telephone company' means a local exchange carrier operating entity to the extent that such entity--

`(A) provides common carrier service to any local exchange carrier study area that does not include either--

`(i) any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census; or

`(ii) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993;

`(B) provides telephone exchange service, including exchange access, to fewer than 50,000 access lines;

`(C) provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or

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