

HOUSE No. 3068

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to promote innovation, broadband deployment and investment in internet protocol services..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: The General Court finds that growth and enhancement of advanced
2 services using Internet Protocol technology provide Massachusetts consumers more choice in
3 advanced services than at any other time. The proliferation of new technologies and applications
4 and the growing number of providers developing and offering innovative services using Internet
5 Protocol are due in large part to little barrier to investment, including freedom from state laws
6 and regulations governing traditional telephone service, that these technologies have enjoyed in
7 the Commonwealth, as well as recognition that federal law is more uniform in its oversight of
8 Internet Protocol-enabled services. The economic benefits, including consumer choice, new jobs
9 and significant capital investment, will be jeopardized and competition minimized by the
10 imposition of traditional State entry, rate and service term regulation on Voice-over-Internet
11 Protocol Service and Internet Protocol-enabled service.

12 SECTION 2: The following words and phrases when used in this act shall
13 have the meanings given to them in this section:

14 "Voice-over-Internet Protocol Service" or "VoIP Service." Any service that:

15 (a) enables real-time, two-way voice communications that originate from or terminate
16 to the user's location in Internet Protocol or any successor protocol;

17 (b) uses a broadband connection from the user's location; and

18 (c) permits users generally to receive calls that originate on the public switched
19 telephone network and to terminate calls to the public switched telephone network.

20 "Internet Protocol-enabled service" or "IP-enabled service." Except as provided in the
21 definition of "Voice-over-Internet Protocol service" herein, any service, capability, functionality,
22 or application provided using Internet Protocol, or any successor protocol, that enables an end
23 user to send or receive a communication in Internet Protocol format or any successor format,
24 regardless of whether the communication is voice, data or video.

25 SECTION 3: Except as set forth in Sections 4, 5, and 6, and NOTWITHSTANDING any
26 other provision of law, no department, agency, commission or political subdivision of the
27 Commonwealth, shall enact, adopt or enforce, either directly or indirectly, any law, rule,
28 regulation, ordinance, standard, order or other provision having the force or effect of law that
29 regulates, or has the effect of regulating, the entry, rates, terms or conditions of VoIP Service or
30 IP-enabled service.

31 SECTION 4. Nothing in this act shall be construed to affect the authority of the Attorney
32 General, or its agencies' application or enforcement of laws, to enforce the provisions of chapter
33 ninety-three A.

34 SECTION 5. Nothing in this act shall be construed to affect, mandate or prohibit the
35 assessment of nondiscriminatory enhanced 911 fees or telecommunications relay service fees.

36 SECTION 6. Nothing in this act may be construed to modify or affect the rights or
37 obligations of any carrier pursuant to 47 U.S.C. s.251 or 47 U.S.C. s.252.

38 SECTION 7. This act shall take effect immediately.