

119.29 **ARTICLE 14**119.30 **TELEPHONE REGULATION**

119.31 Section 1. Minnesota Statutes 2014, section 222.37, subdivision 1, is amended to read:

119.32 Subdivision 1. **Use requirements.** Any water power, telegraph, telephone, wireless

119.33 telecommunications service provider, pneumatic tube, pipeline, community antenna

120.1 television, cable communications or electric light, heat, power company, or fire department

120.2 may use public roads for the purpose of constructing, using, operating, and maintaining

120.3 lines, subways, canals, conduits, hydrants, or dry hydrants, for their business, but such

120.4 lines shall be so located as in no way to interfere with the safety and convenience of

120.5 ordinary travel along or over the same; and, in the construction and maintenance of such

120.6 line, subway, canal, conduit, hydrants, or dry hydrants, the company shall be subject to all

120.7 reasonable regulations imposed by the governing body of any county, town or city in which

120.8 such public road may be. If the governing body does not require the company to obtain a

120.9 permit, a company shall notify the governing body of any county, town, or city having

120.10 jurisdiction over a public road prior to the construction or major repair, involving extensive

120.11 excavation on the road right-of-way, of the company's equipment along, over, or under the

120.12 public road, unless the governing body waives the notice requirement. A waiver of the

120.13 notice requirement must be renewed on an annual basis. For emergency repair a company

120.14 shall notify the governing body as soon as practical after the repair is made. Nothing herein

120.15 shall be construed to grant to any person any rights for the maintenance of a telegraph,

120.16 telephone, pneumatic tube, community antenna television system, cable communications

120.17 system, or light, heat, power system, or hydrant system within the corporate limits of any

120.18 city until such person shall have obtained the right to maintain such system within such city

120.19 or for a period beyond that for which the right to operate such system is granted by such city.

120.20 Sec. 2. Minnesota Statutes 2014, section 237.01, is amended by adding a subdivision

120.21 to read:

120.22 Subd. 9. **Voice-over-Internet protocol service.** "Voice-over-Internet protocol

120.23 service" or "VoIP service" means any service that (1) enables real-time two-way voice

120.24 communications that originate from or terminate at the user's location in Internet protocol

120.25 or any successor protocol, and (2) permits users generally to receive calls that originate

120.26 on the public switched telephone network and terminate calls to the public switched

120.27 telephone network.

120.28 Sec. 3. Minnesota Statutes 2014, section 237.01, is amended by adding a subdivision

120.29 to read:

120.30 Subd. 10. **Internet protocol-enabled service.** "Internet protocol-enabled service"
120.31 or "IP-enabled service" means any service, capability, functionality, or application
120.32 provided using Internet protocol, or any successor protocol, that enables an end user to
120.33 send or receive a communication in Internet protocol format or any successor format,
120.34 regardless of whether that communication is voice, data, or video.

121.1 Sec. 4. **[237.037] VOICE-OVER-INTERNET PROTOCOL SERVICE AND**
121.2 **INTERNET PROTOCOL-ENABLED SERVICE.**

121.3 Subdivision 1. **Regulation prohibited.** Except as provided in this section, no
121.4 state agency, including the commission and the Department of Commerce, or political
121.5 subdivision of this state shall by rule, order, or other means directly or indirectly regulate
121.6 the entry, rates, terms, quality of service, availability, classification, or any other aspect of
121.7 VoIP service or IP-enabled service.

121.8 Subd. 2. **VoIP regulation.** (a) To the extent permitted by federal law, VoIP service
121.9 is subject to the requirements of sections 237.49, 237.52, 237.70, and 403.11 with regard
121.10 to the collection and remittance of the surcharges governed by those sections.

121.11 (b) A provider of VoIP service must comply with the requirements of chapter 403
121.12 applicable to the provision of access to 911 service by service providers, except to the
121.13 extent those requirements conflict with federal requirements for the provision of 911
121.14 service by VoIP providers under Code of Federal Regulations, title 47, part 9. A VoIP
121.15 provider is entitled to the benefit of the limitation of liability provisions of section 403.07,
121.16 subdivision 5. Beginning June 1, 2016, and continuing each June 1 thereafter, each VoIP
121.17 provider shall file a plan with the commission describing how it will comply with the
121.18 requirements of this paragraph. After its initial filing under this paragraph, a VoIP provider
121.19 shall file with the commission either an update of the plan or a statement certifying that
121.20 the plan and personnel contact information previously filed is still current.

121.21 Subd. 3. **Relation to other law.** Nothing in this section restricts, creates, expands,
121.22 or otherwise affects or modifies:

121.23 (1) the commission's authority under the Federal Communications Act of 1934,
121.24 United States Code, title 47, sections 251 and 252;

121.25 (2) any applicable wholesale tariff or any commission authority related to wholesale
121.26 services;

121.27 (3) any commission jurisdiction over (i) intrastate switched access rates, terms,
121.28 and conditions, including the implementation of federal law with respect to intercarrier
121.29 compensation, or (ii) existing commission authority to address or affect the resolution of
121.30 disputes regarding intercarrier compensation;

121.31 (4) the rights of any entity, or the authority of the commission and local government
121.32 authorities, with respect to the use and regulation of public rights-of-way under sections
121.33 237.162 and 237.163; or

121.34 (5) the establishment or enforcement of standards, requirements or procedures in
121.35 procurement policies, internal operational policies, or work rules of any state agency or
121.36 political subdivision of the state relating to the protection of intellectual property.

122.1 Subd. 4. **Exemption.** The following services delivered by IP-enabled service are
122.2 not regulated under this chapter:

122.3 (1) video services provided by a cable communications system, as defined in section
122.4 238.02, subdivision 3; or

122.5 (2) cable service, as defined in United States Code, title 47, section 522, clause (6); or

122.6 (3) any other IP-enabled video service.

122.7 Sec. 5. **TASK FORCE ON DEPLOYMENT OF SMALL WIRELESS**

122.8 **TELECOMMUNICATIONS FACILITIES.**

122.9 Subdivision 1. **Purpose; task force established.** In order to promote statewide
122.10 access to wireless telecommunications and ensure orderly deployment of wireless
122.11 telecommunication facilities subject to consistent and fair local regulations and
122.12 appropriate fee structures, a task force is established to study the needs of the state and
122.13 make recommendations to the legislature.

122.14 Subd. 2. **Members.** The task force consists of 13 voting members, appointed as
122.15 follows:

122.16 (1) two members appointed by the League of Minnesota Cities, one member
122.17 appointed by the Association of Minnesota Counties, and one member appointed by
122.18 the Minnesota Association of Townships;

122.19 (2) two members of the public, one member appointed by the senate Subcommittee
122.20 on Committees of the Committee on Rules and Administration and one member appointed
122.21 by the speaker of the house. Appointments under this clause must be made as provided in
122.22 Minnesota Statutes, section 15.0597, to the extent applicable;

122.23 (3) four members representing wireless telecommunications service providers, two
122.24 members appointed by the senate Subcommittee on Committees of the Committee on
122.25 Rules and Administration and two members appointed by the speaker of the house;

122.26 (4) one member appointed by the commissioner of commerce to serve as chair; and

122.27 (5) two members of the wireless telecommunications infrastructure industry, one
122.28 member appointed by the senate Subcommittee on Committees of the Committee On
122.29 Rules and Administration and one member appointed by the speaker of the house.

122.30 Appointments must be made as soon as practicable after the effective date of this section.

- 122.31 Subd. 3. **Study.** The task force shall identify and analyze issues that increase
122.32 its understanding of the needs of local governments and wireless telecommunications
122.33 providers in order to develop a robust statewide wireless telecommunications network.
122.34 These issues include, but are not limited to:
- 123.1 (1) the concerns and needs of local governments, municipal utilities, and wireless
123.2 telecommunications providers;
- 123.3 (2) the goals of the state to ensure all areas of the state and all residents have access
123.4 to wireless telecommunications networks that meet residents' needs, and the obstacles
123.5 to achieving those goals;
- 123.6 (3) the best practices and protocols for local governments' timely consideration and
123.7 approval of applications by wireless telecommunications providers for equipment and
123.8 facilities placements; and
- 123.9 (4) what changes in law are necessary to implement the best practices and protocols
123.10 to achieve the goals while addressing the concerns and needs of local governments.
- 123.11 Subd. 4. **Open meetings; staff.** Meetings of the task force are subject to Minnesota
123.12 Statutes, chapter 13D. The commissioner of commerce shall provide meeting space and
123.13 administrative support to the task force as requested, including posting meeting notices
123.14 on the agency's Web site.
- 123.15 Subd. 5. **Report.** The task force shall submit a report containing the findings and
123.16 recommendations of its study under subdivision 3 to the chairs and ranking minority
123.17 members of the legislative committees with jurisdiction over local government and
123.18 telecommunications, and to the governor, by January 15, 2017. The report may be in
123.19 the form of proposed legislation.
- 123.20 Subd. 6. **No compensation.** Members of the task force shall not receive
123.21 compensation.
- 123.22 Subd. 7. **Expiration.** The task force expires January 15, 2017.
- 123.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.