

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 494  
Commerce Committee Substitute Adopted 5/24/05

Short Title: Regulate Telecommunications Services. (Public)

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Sponsors:

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Referred to:

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March 15, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENCOURAGE DEPLOYMENT OF COMPETITIVE BROADBAND  
3 SERVICE BY PUBLIC UTILITIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 62-2 is amended by adding a new subsection to read:

6 "(b1) Broadband service provided by public utilities as defined in G.S. 62-3(23)a.6.  
7 is sufficiently competitive and shall not be regulated by the Commission."

8 **SECTION 2.** G.S. 62-3 reads as rewritten:

9 "**§ 62-3. Definitions.**

10 As used in this Chapter, unless the context otherwise requires, the term:

11 (1) "Broadband service" means any service that consists of or includes a  
12 high-speed access capability to transmit at a rate of not less than 200  
13 kilobits per second in either the upstream or downstream direction and  
14 either (i) is used to provide access to the Internet, or (ii) provides  
15 computer processing, information storage, information content, or  
16 protocol conversion, including any service applications or information  
17 service provided over such high-speed access service. "Broadband  
18 service" does not include intrastate service that was tarified by the  
19 Commission and in effect as of the effective date of this subdivision.

20 (4) (1a) "Broker," with regard to motor carriers of passengers, means any  
21 person not included in the term "motor carrier" and not a bona fide  
22 employee or agent of any such carrier, who or which as principal or  
23 agent engages in the business of selling or offering for sale any  
24 transportation of passengers by motor carrier, or negotiates for or holds  
25 himself, or itself, out by solicitation, advertisements, or otherwise, as  
26 one who sells, provides, furnishes, contracts, or arranges for such  
27 transportation for compensation, either directly or indirectly.

28 (4a) (1b) "Bus company" means any common carrier by motor vehicle  
29 which holds itself out to the general public to engage in the

1                    transportation by motor vehicle in intrastate commerce of passengers  
2                    over fixed routes or in charter operations, or both, except as exempted  
3                    in G.S. 62-260.

4                    ...."

5                    **SECTION 3.** This act is effective when it becomes law.