

CHAPTER NO. 545

SENATE BILL NO. 2737

By Trail

Substituted for: House Bill No. 2892

By Head, Shaw, Bowers

AN ACT to amend Tennessee Code Annotated, Section 65-5-201, relative to telecommunications tariffs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-5-201, is amended by adding the following language to be appropriately designated as subsection (c):

(c) Notwithstanding any other provision of law, the tariffs of incumbent local exchange telephone companies establishing rates and/or terms for telecommunications services shall be filed with the authority and shall be effective twenty-one (21) days after filing, subject to the following requirements:

(1) Tariffs establishing rates or terms that are valid only for one hundred eighty (180) days or less shall be effective one (1) business day after filing.

(2) Tariffs may be revoked by the authority, after notice and a hearing.

(3) Tariffs may be suspended pending such hearing on showing by a complaining party:

(A) that the complaining party has filed a complaint before the authority alleging with particularity that the tariff violates a specific law;

(B) that the complaining party would be injured as a result of the tariff and has specifically alleged how it would be so injured; and

(C) that the complaining party has a substantial likelihood of prevailing on the merits of its complaint.

The authority may suspend a tariff pending a hearing, on its own motion, upon finding such suspension to be in the public interest. The standard established herein for suspension of tariffs shall apply at all times, including the twenty-one (21) or one (1) day period between filing and effectiveness.

The standard established herein for suspension of tariffs shall not be applicable in any way to the determination by the authority of whether to convene a contested case to consider revocation of a tariff. The authority may choose to convene a contested case, or decline to convene a contested case, in its own

discretion, to promote the public interest. The standard established herein for suspension of tariffs shall not be applicable in any way to any decision by the authority regarding revocation of a tariff.

(4) Nothing herein shall alter the existing power of the authority to review those rate increases which are governed by price regulation or rate of return.

(5) Notwithstanding the provisions of this section, the authority may, in its discretion, shorten the twenty-one (21) day period between filing and effectiveness for good cause shown.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: April 7, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 22nd day of April 2004


PHIL BREDESEN, GOVERNOR