

(S. B. 324)

(No. 11-2013)

(Approved April 26, 2013)

AN ACT

To amend Sections 2 and 3 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” in order to increase the number of associate members of the Puerto Rico Telecommunications Regulatory Board; and for other purposes.

STATEMENT OF MOTIVES

The Puerto Rico Telecommunications Regulatory Board was created by Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996.” In brief, the Legislative Assembly delegated thereon the responsibility of formulating and implementing the public policy on telecommunications, as well as adjudicative and regulatory powers. Therefore, the Board is an entity closely related to the formulation and implementation of the public policy regarding the operation of the telecommunications industry and the services it provides to the people of Puerto Rico.

One of the main purposes of the Board is to facilitate the people’s access to the different telecommunications services in exchange for reasonable rates and fees. It is a well-known fact that, for the past fifteen years, technology and the use thereof in telecommunications has evolved rapidly. This requires an ongoing evaluation of the regulatory system and that measures be taken to achieve an adequate competition in the telecommunications industry, in order to assure the best use of these services that, at present, are essential for the citizenry.

In view of the responsibilities and challenges faced by the Board, through this Act the number of associate members shall be increased from three to five, the appointment and nature of the office of Chairman of the Board shall be modified, and the professions of two of its five members shall be specified. In this manner, there shall a greater participation of persons in such important decision-making process and in the resolution of issues that directly affect the quality of the services provided to the residents of Puerto Rico, and the fees paid for these services. It likewise provides that the members of the Board shall be persons with knowledge and adequate professional capacity in order for this government instrumentality to fully comply with its public and legal responsibilities towards the people.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 2 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“(a) The Board shall be composed of four (4) associate members, and a Chairperson, appointed by the Governor with the advice and consent of the Senate. The Governor shall appoint the Chairperson of the Board with the advice and consent of the Senate, who shall hold office at the volition of the Governor and may be removed or replaced by the latter at any time with or without just cause.

(1) The Governor shall fix the compensation and other benefits of the associate members and of the Chairperson of the Board.

(b) Three (3) of the five (5) members of the Board shall constitute a quorum for a session of the whole Board.

(c) All actions taken by the Chairperson or by one of the associate members shall be subject to review by the whole Board.

(d) The decisions of the Board shall be made by a majority of its members and shall be subject to review by the Court of Appeals of Puerto Rico, except in those cases in which the Federal Communications Act confers jurisdiction on the Federal Communications Commission or on the U. S. District Court for the District of Puerto Rico.”

Section 2.- Section 3 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“(a) The members of the Board shall be citizens of the United States of America and residents of Puerto Rico. Of its five (5) members, one (1) shall be a professional with knowledge and broad experience in corporate finances; one (1) shall be a lawyer, or an engineer with at least seven (7) years of experience practicing such profession in Puerto Rico, which shall include professional experience in the field of telecommunications; and the remaining three (3) shall have broad, recognized experience in the telecommunications industry. The members shall not have a direct or indirect interest in, or any contractual relationship with the telecommunications companies subject to the jurisdiction of the Board, or in entities in or outside of Puerto Rico affiliated to, or having interests in said telecommunications companies. No member of the Board shall intervene in an issue or controversy in which a party thereto is a natural or juridical person with whom said member has had any contractual, professional, labor or trustee relation during two (2) years prior to his appointment. Neither shall any member, once he/she has ceased functions in the Board represent any person or entity before the Board with regard to any matter in which he/she participated while in the service of the Board and for two (2) years following his/her separation from said office when having to

do with any other matter. The activities of the members during and after the expiration of their terms shall be subject to the restrictions provided in the Puerto Rico Government Ethics Act of 2011.

(b) Without impairment to the power of the Governor to remove or replace the Chairperson of the Board, the members of the Board shall be appointed for a fixed term of four (4) years as of the date of said appointment. Any person chosen to fill a vacancy shall be appointed only for the remainder of the unexpired term of the member he/she succeeds. Upon the expiration of the term of any member, he/she shall continue to hold office until his successor is appointed and takes office.”

Section 3.- Effect and Transition.

The persons who are members of the Board on the effective date of this Act shall continue to hold office and carrying out their duties as members thereof until the expiration of the term of the original appointment, unless performing some of these duties would be otherwise inconsistent with the provisions of this Act. If pursuant to the provisions of this Act, it were prudent for any member of the Board to cease performing certain duties, the compensation he/she receives as of the effective date of this Act would not be affected. Pursuant to the provisions of Sections 1 and 2 of this Act, the process to appoint an associate member and the Chairman to the Board shall begin immediately.

Section 4.- Incompatibility.

To the extent the provisions of this Act were incompatible with the provisions of any other Act or regulations, the provisions of this Act shall prevail.

Section 5.- Severability Clause

If any clause, paragraph, subparagraph, article, provision, section, or part of this Act were held to be unconstitutional by a competent court, said holding shall not affect, impair, or invalidate the remaining provisions of this Act. The effect of

said holding shall be limited to the clause, paragraph, subparagraph, article, provision, section, or part thereof thus held to be unconstitutional.

Section 6.- Effectiveness

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 11-2013 (S. B. 324)** of the **1st Session** of the **17th Legislative Assembly of Puerto Rico**:

AN ACT to amend Sections 2 and 3 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” in order to increase the number of associate members of the Puerto Rico Telecommunications Regulatory Board; and for other purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 23rd day of October, 2015.

Juan Luis Martínez Martínez
Director