

1) ITFA Exemption for State 911 Charges

Nothing in this Act [probably means "this title"] shall prevent the imposition or collection, on a service used for access to 911 or E-911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E-911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E-911 services.

- 47 U.S.C. § 151, note, § 1107(b).

2) ITFA Exemption for State USF Charges

Nothing in this Act [probably means "this title"] shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs . . . authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254).

- 47 U.S.C. § 151, note, § 1107(a).

3) Telecommunications Act of 1996, Universal Service Section, State Programs Subsection (*emphasis added*)

(f) State authority. A State may adopt regulations *not inconsistent with the Commission's rules* to preserve and advance universal service. Every telecommunications carrier that provides intrastate telecommunications services shall contribute, on an *equitable and nondiscriminatory basis*, in a manner determined by the State to the preservation and advancement of universal service in that State. A State may adopt regulations to provide for additional definitions and standards to preserve and advance universal service within that State only to the extent that such regulations adopt additional *specific, predictable, and sufficient mechanisms* to support such definitions or standards that *do not rely on or burden Federal universal service support mechanisms*.

- 47 U.S.C. § 254(f).

4) FCC Open Internet Order (2015) (emphasis added)

[W]e conclude that the imposition of state-level contributions on broadband providers that do not presently contribute would be inconsistent with our decision at the present time to forbear from mandatory federal USF contributions, and therefore we preempt any state from imposing any new state USF contributions on broadband—at least until the Commission rules on whether to provide for such contributions.

⁷ FCC, *Open Internet Order*, FCC 15-24, ¶ 432 (2015).