

HOUSE BILL 1379

C5

71r2992
CF SB 864

By: **Delegate Davis**

Introduced and read first time: March 5, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, March 12, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2007

CHAPTER _____

1 AN ACT concerning

2 **Voice Over Internet Protocol Service ~~and Internet Protocol Enabled Service~~**

3 FOR the purpose of providing that the Public Service Commission does not have
4 jurisdiction over certain voice over Internet protocol services ~~and Internet~~
5 ~~protocol-enabled services~~; requiring a certain company that moves a customer
6 from a certain service to a voice over Internet protocol service to provide the
7 customer with a certain notification; requiring the Department of Business and
8 Economic Development and the Commission, with input from certain agencies,
9 to report to the General Assembly by a certain date on the status of a certain
10 deployment; requiring the Commission, with input from certain agencies, to
11 track certain consumer complaints; authorizing the Commission, under certain
12 circumstances, to report certain findings and recommendations to the General
13 Assembly; providing for the construction of this Act; defining ~~certain terms a~~
14 certain term; and generally relating to voice over Internet protocol service ~~and~~
15 ~~Internet protocol-enabled service.~~

16 BY adding to

17 Article – Public Utility Companies

18 Section 8-601 and 8-602 to be under the new subtitle “Subtitle 6. Voice over
19 Internet Protocol Service ~~and Internet Protocol Enabled Service~~”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (1998 Volume and 2006 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Public Utility Companies**

6 **SUBTITLE 6. VOICE OVER INTERNET PROTOCOL SERVICE AND INTERNET**
7 **PROTOCOL-ENABLED SERVICE.**

8 **8-601.**

9 ~~(A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS~~
10 ~~INDICATED.~~

11 ~~(B) “INTERNET PROTOCOL-ENABLED SERVICE” OR “IP-ENABLED~~
12 ~~SERVICE” MEANS ANY SERVICE, CAPABILITY, FUNCTIONALITY, OR APPLICATION~~
13 ~~PROVIDED USING INTERNET PROTOCOL OR ANY SUCCESSOR PROTOCOL THAT~~
14 ~~ENABLES AN END USER TO SEND OR RECEIVE A COMMUNICATION IN IP FORMAT~~
15 ~~OR ANY SUCCESSOR FORMAT, REGARDLESS OF WHETHER THE COMMUNICATION~~
16 ~~IS VOICE, DATA, OR VIDEO.~~

17 **IN THIS SUBTITLE:**

18 ~~(c)~~ (1) **“VOICE VOICE OVER INTERNET PROTOCOL SERVICE” OR**
19 **“VOIP SERVICE” MEANS ANY SERVICE THAT:**

20 (I) **ENABLES REAL-TIME TWO-WAY VOICE**
21 **COMMUNICATIONS THAT ORIGINATE FROM OR TERMINATE USING TO THE**
22 **SUBSCRIBER END USER’S LOCATION REQUIRING INTERNET PROTOCOL OR A**
23 **ANY SUCCESSOR FORMAT PROTOCOL TO INTERNET PROTOCOL; AND**

24 (II) ~~USES~~ **REQUIRES A BROADBAND CONNECTION FROM THE**
25 **USER’S LOCATION; AND**

26 (2) ~~“VOICE VOICE OVER INTERNET PROTOCOL SERVICE” OR~~
27 **“VOIP SERVICE” INCLUDES ANY SUCH SERVICE THAT PERMITS USERS**
28 **GENERALLY TO RECEIVE CALLS THAT ORIGINATE ON THE PUBLIC SWITCHED**
29 **TELEPHONE NETWORK AND TO TERMINATE CALLS TO THE PUBLIC SWITCHED**
30 **TELEPHONE NETWORK.**

1 **8-602.**

2 (A) THE COMMISSION DOES NOT HAVE JURISDICTION OVER THE
3 REGULATION OF VOIP SERVICE ~~OR IP-ENABLED SERVICE~~, INCLUDING THE
4 IMPOSITION OF REGULATORY FEES, CERTIFICATION REQUIREMENTS, AND THE
5 FILING OR APPROVAL OF TARIFFS.

6 (B) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO:

7 (1) REQUIRE OR PROHIBIT THE ASSESSMENT OF 9-1-1 FEES IN
8 ACCORDANCE WITH § 1-310 OF THE PUBLIC SAFETY ARTICLE ON VOIP ~~OR~~
9 ~~IP-ENABLED SERVICE~~;

10 (2) REQUIRE OR PROHIBIT THE ASSESSMENT OF FEES FOR
11 TELECOMMUNICATIONS RELAY SERVICE UNDER TITLE 3, SUBTITLE 8 OF THE
12 STATE FINANCE AND PROCUREMENT ARTICLE;

13 ~~(2)~~ (3) REQUIRE OR PROHIBIT THE PAYMENT OF ANY
14 SWITCHED NETWORK ACCESS RATES OR OTHER INTERCARRIER COMPENSATION
15 RATES THAT MAY BE DETERMINED TO APPLY; ~~OR~~

16 ~~(3)~~ (4) RELIEVE A COMPANY THAT IS OTHERWISE SUBJECT TO §
17 8-201 OF THIS TITLE OF ITS OBLIGATION TO PROVIDE TELEPHONE LIFELINE
18 SERVICE OVER LOCAL EXCHANGE ACCESS LINES THAT ARE SUBJECT TO THE
19 COMMISSION'S JURISDICTION;

20 (5) EXEMPT VOIP SERVICE FROM GENERALLY APPLICABLE
21 STATE AND FEDERAL LAWS RELATING TO PUBLIC SAFETY, CONSUMER
22 PROTECTION, AND UNFAIR AND DECEPTIVE TRADE PRACTICES, OR TO EXEMPT
23 VOIP SERVICE FROM THE AUTHORITY OF THE DIVISION OF CONSUMER
24 PROTECTION IN THE OFFICE OF THE ATTORNEY GENERAL; OR

25 (6) REMOVE THE COMMISSION'S JURISDICTION OVER CIRCUIT
26 SWITCHED LOCAL EXCHANGE ACCESS SERVICE.

27 (C) A COMPANY THAT MOVES A CUSTOMER FROM A
28 COMMISSION-APPROVED TARIFF SERVICE TO VOIP SERVICE SHALL NOTIFY
29 THE CUSTOMER THAT THE COMMISSION DOES NOT HAVE JURISDICTION OVER
30 THE REGULATION OF VOIP SERVICE AND THAT COMPLAINTS ABOUT VOIP

1 SERVICE MAY BE FILED WITH THE DIVISION OF CONSUMER PROTECTION IN
2 THE OFFICE OF THE ATTORNEY GENERAL.

3 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act
4 authorizes a company to move a customer from a service the customer ordered under a
5 tariff approved by the Public Service Commission to another service that may be
6 tariffed or nontariffed unless:

7 (1) the customer consents; or

8 (2) the service the customer ordered under a Commission–approved
9 tariff is discontinued with the approval of the Commission.

10 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,
11 2010, the Department of Business and Economic Development and the Public Service
12 Commission, with input from the Office of the Attorney General and other appropriate
13 agencies as necessary, shall report to the General Assembly, in accordance with §
14 2–1246 of the State Government Article, on the status of the deployment of Internet
15 Protocol–enabled services, including VoIP services, in Maryland and the status of any
16 federal legislation or regulatory proceedings before the Federal Communications
17 Commission relating to Internet Protocol–enabled services.

18 SECTION 4. AND BE IT FURTHER ENACTED, That, the Public Service
19 Commission, with input from the Office of the Attorney General and the Office of
20 People’s Counsel, shall track the number of consumer complaints received by those
21 State agencies regarding the provision of VoIP services in Maryland, including
22 consumer complaints related to service outages, terminations without consumer
23 consent, poor service, or billing disputes. If, at any time, the Commission determines
24 that additional consumer protections may be necessary for the public interest based on
25 consumer complaints or that a substantial number of consumers lack alternatives for
26 voice service, including regulated voice services offered under Commission–approved
27 tariffs or VoIP service offered by other providers, the Commission on its own initiative
28 may report its findings and recommendations to the General Assembly, in accordance
29 with § 2–1246 of the State Government Article.

30 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect October 1, 2007.