

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 960

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 15, in each instance, strike “Service Provider” and substitute “Services”; strike beginning with “telecommunications” in line 3 down through “transferred” in line 7 and substitute “telephone companies or resellers from changing, on behalf of a customer, the customer’s telephone company or reseller or telecommunications service options unless the telephone company or reseller complies with certain authorization and confirmation procedures”; in line 7, strike “toll”; in line 8, strike “providing certain penalties” and substitute “providing for the application of this Act; imposing certain liabilities on a telephone company or reseller that initiates an unauthorized change in a customer’s telephone company or reseller that provides toll services or a customer’s telecommunications service options; requiring a telephone company or reseller to provide in a certain manner a certain notice to a customer informing the customer that certain changes have been made to the customer’s telephone company or reseller or telecommunications service options under certain circumstances; authorizing the Commission to take certain actions against a telephone company or reseller”; in line 9, after “regulations;” insert “authorizing the Commission to assess a certain administrative penalty on a telephone company or reseller that violates this Act under certain circumstances;”; in lines 10 and 11, strike “service providers” and substitute “services”; and in line 14, strike “8-404” and substitute “8-410”.

AMENDMENT NO. 2

On page 1, in line 21, strike “SERVICE PROVIDER” and substitute “SERVICES”; in line 25, strike the first “TOLL”; and in the same line, after “SERVICES” insert “OR TELECOMMUNICATIONS SERVICES”.

On page 2 in lines 1, 10, 14, 15, 17, and 23 and on page 3 in lines 12, 13, and 14, in each instance, strike “TOLL”.

On page 2, after line 2, insert:

(Over)

“(C) ‘‘TELECOMMUNICATIONS SERVICE’’ MEANS ANY SERVICE OR PRODUCT PROVIDED BY A TELEPHONE COMPANY OR RESELLER THAT IS SUPPLIED BY WAY OF TRANSMISSION OVER TELEPHONE LINES.”;

and in line 3, strike ‘‘(C)’’ and substitute ‘‘(D)’’.

AMENDMENT NO. 3

On page 2, after line 8, insert:

‘‘8-402.

(A) THIS SUBTITLE APPLIES TO A TELEPHONE COMPANY OR A RESELLER THAT PROVIDES INTRASTATE INTERLATA, INTRALATA, OR LOCAL EXCHANGE CARRIER TELECOMMUNICATIONS SERVICES.

(B) AN ACT OF A PERSON THAT IS ACTING AS AN AGENT OR REPRESENTATIVE OF A TELEPHONE COMPANY OR A RESELLER IS DEEMED TO BE AN ACT OF THE TELEPHONE COMPANY OR THE RESELLER UNDER THIS SUBTITLE.

8-403.

UNLESS A TELEPHONE COMPANY OR RESELLER COMPLIES WITH THE AUTHORIZATION AND CONFIRMATION PROCEDURES ADOPTED BY THE COMMISSION AND BY FEDERAL LAW AND REGULATION, THE TELEPHONE COMPANY OR RESELLER MAY NOT, ON BEHALF OF A CUSTOMER, CHANGE, OR DIRECT ANOTHER TELEPHONE COMPANY OR RESELLER TO CHANGE THE CUSTOMER’S:

(1) TELEPHONE COMPANY OR RESELLER; OR

(2) TELECOMMUNICATIONS SERVICES FOR WHICH THE CUSTOMER HAS THE ABILITY TO SUBSCRIBE TO OR SELECT FROM MORE THAN ONE TELEPHONE COMPANY OR RESELLER.”;

and in lines 9 and 26, strike ‘‘8-402.’’ and ‘‘8-403.’’, respectively, and substitute ‘‘8-404.’’ and ‘‘8-405.’’, respectively.

AMENDMENT NO. 4

On page 2, strike in their entirety lines 27 through 29, inclusive, and substitute:

“(A) THIS SECTION APPLIES TO A TELEPHONE COMPANY THAT INITIATES AN UNAUTHORIZED CHANGE IN VIOLATION OF THIS SUBTITLE IN A CUSTOMER’S:

(1) TELEPHONE COMPANY;

(2) RESELLER THAT PROVIDES TOLL SERVICES; OR

(3) OPTIONS.

(B) A TELEPHONE COMPANY OR RESELLER THAT IS SUBJECT TO THIS SECTION IS LIABLE:”.

On page 2 in line 31 and on page 3 in line 5, in each instance, strike “TELECOMMUNICATIONS SERVICE PROVIDER” and substitute “TELEPHONE COMPANY OR RESELLER”.

AMENDMENT NO. 5

On page 3, in line 2, strike “90” and substitute “30”; after line 5, insert:

“8-406.

(A) WHEN A CUSTOMER OR A TELEPHONE COMPANY OR RESELLER PROVIDING A NEW TELECOMMUNICATIONS SERVICE ON BEHALF OF THE CUSTOMER MAKES A CHANGE IN THE CUSTOMER’S TELEPHONE COMPANY OR RESELLER, THE TELEPHONE COMPANY OR RESELLER PROVIDING THE NEW TELECOMMUNICATIONS SERVICE SHALL PROVIDE A CONSPICUOUS NOTICE TO THE CUSTOMER , IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, INFORMING THE CUSTOMER THAT THE CHANGE WAS MADE.

(B) WHEN A CUSTOMER OR A TELEPHONE COMPANY OR RESELLER ON

(Over)

BEHALF OF THE CUSTOMER MAKES A CHANGE IN A CUSTOMER'S SELECTION OF A TELECOMMUNICATIONS SERVICE OPTION FOR WHICH THE TELEPHONE COMPANY OR RESELLER IMPOSES A CHARGE, THE TELEPHONE COMPANY OR RESELLER OF THE TELECOMMUNICATIONS SERVICE OPTION SHALL PROVIDE A CONSPICUOUS NOTICE TO THE CUSTOMER, IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, INFORMING THE CUSTOMER THAT THE CHANGE WAS MADE.

(C) THE TELEPHONE COMPANY OR RESELLER MAKING THE CHANGE OF TELEPHONE COMPANY OR RESELLER OR TELECOMMUNICATIONS SERVICE OPTIONS UNDER THIS SECTION SHALL PROVIDE THE CONSPICUOUS NOTICE TO THE CUSTOMER BY:

(1) INSERTING THE NOTICE ON OR WITH THE CUSTOMER'S FIRST BILL FOR WHICH THE CHANGE IS EFFECTIVE; OR

(2) SENDING A SEPARATE NOTICE TO THE CUSTOMER WITHIN 10 DAYS AFTER THE CHANGE TAKES EFFECT.”;

and in line 6, strike “8-404.” and substitute “8-407.”.

AMENDMENT NO. 6

On page 3, in line 8, strike the period and substitute “CONSISTENT WITH FEDERAL LAW AND REGULATIONS.”

(B) THE REGULATIONS MAY INCLUDE:

(1) PROCEDURES FOR A CUSTOMER TO AUTHORIZE AND CONFIRM A CHANGE IN A TELEPHONE COMPANY OR RESELLER MADE BY ANOTHER TELEPHONE COMPANY OR RESELLER ON BEHALF OF THE CUSTOMER;

(2) PROCEDURES FOR A CUSTOMER TO AUTHORIZE AND CONFIRM A CHANGE IN TELECOMMUNICATIONS SERVICE OPTIONS MADE BY ANOTHER TELEPHONE COMPANY OR RESELLER ON BEHALF OF THE CUSTOMER;

(3) PROVISIONS FOR THE DISCLOSURE TO THE CUSTOMER OF THE TERMS OF THE SERVICES OFFERED BY A TELEPHONE COMPANY OR RESELLER;

(4) METHODS OF ENFORCEMENT BY THE COMMISSION; AND

(5) OTHER PROVISIONS, NOT INCONSISTENT WITH FEDERAL LAW, THAT THE COMMISSION CONSIDERS NECESSARY TO IMPLEMENT THIS SUBTITLE.

8-408.

A TELEPHONE COMPANY OR RESELLER MAY NOT FAIL TO COMPLY OR NEGLECT TO COMPLY WITH THIS SUBTITLE OR WITH A REGULATION ADOPTED UNDER THIS SUBTITLE.

8-409.”.

On page 3, in line 9, strike “(B)”; in the same line, strike “§ 8-402 OF” and substitute “THE PROVISIONS OF”; and in lines 12, 13, and 14, in each instance, after “RESELLER” insert “OR TELEPHONE COMPANY” .

AMENDMENT NO. 7

On page 3, after line 14, insert:

“8-410.

(A) IN ADDITION TO ANY OTHER AVAILABLE PENALTY, AND AFTER AN OPPORTUNITY FOR A HEARING, THE COMMISSION MAY ASSESS AN ADMINISTRATIVE PENALTY DIRECTLY ON A TELEPHONE COMPANY OR RESELLER THAT VIOLATES, AS TO CHANGES TO A CUSTOMER’S TELEPHONE COMPANY OR RESELLER OR TELECOMMUNICATIONS SERVICE OPTIONS, THE PROVISIONS OF:

(1) THIS SUBTITLE;

(Over)

(2) A REGULATION ADOPTED UNDER THIS SUBTITLE; OR

(3) FEDERAL LAW OR REGULATIONS.

(B) THE ADMINISTRATIVE PENALTY ASSESSED UNDER THIS SECTION MAY NOT EXCEED \$1,000 FOR EACH VIOLATION ASSOCIATED WITH A SPECIFIC ACCESS LINE WITHIN THE STATE.

(C) IN ASSESSING AN ADMINISTRATIVE PENALTY UNDER THIS SECTION, THE COMMISSION SHALL CONSIDER:

(1) THE NATURE, CIRCUMSTANCES, EXTENT, GRAVITY, AND NUMBER OF VIOLATIONS WITHIN EACH VIOLATION FOR WHICH AN ADMINISTRATIVE PENALTY MAY BE ASSESSED;

(2) THE DEGREE OF CULPABILITY OF THE VIOLATOR;

(3) PRIOR OFFENSES AND REPEATED VIOLATIONS OF THE VIOLATOR;

AND

(4) ANY OTHER MATTER THAT THE COMMISSION CONSIDERS APPROPRIATE AND RELEVANT.

(D) AN ADMINISTRATIVE PENALTY COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.”.