

BY: Finance Committee

AMENDMENTS TO HOUSE BILL NO. 960

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Change” and substitute “Changes”; in the same line, strike “Services” and substitute “Service”; strike in their entirety lines 3 through 24, inclusive, and substitute:

“FOR the purpose of prohibiting certain telephone companies and resellers from taking certain actions on behalf of a customer concerning the customer's selection of a telephone company or reseller, telecommunications service options, or the person who bills the customer or the customer's billing arrangement except in compliance with certain procedures; requiring certain notice to be provided to a telephone service customer under certain circumstances; requiring resellers to obtain a certain authorization from the Public Service Commission; imposing certain liabilities on a telephone company or reseller who initiates an unauthorized change in a customer's telephone company, reseller, or telecommunications service options or who initiates an unauthorized change in the person who bills the customer or the customer's billing arrangement; requiring certain telephone companies and resellers to offer a hold order or freeze to certain customers under certain circumstances; authorizing the Public Service Commission to adopt certain regulations; providing for a certain administrative penalty for certain violations; defining certain terms; and generally relating to changes in telecommunications service.”;

and in line 27, strike “8-410” and substitute “8-409”.

On page 2, in line 1, strike “Change in”; and in the same line, strike “Services” and substitute “Service Changes”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 7 through 24, inclusive, and substitute:

(Over)

“SUBTITLE 4. TELECOMMUNICATIONS SERVICE CHANGES.

8-401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “HOLD ORDER” OR “FREEZE” MEANS A DIRECTIVE TO RETAIN:

(1) THE TELEPHONE COMPANY OR RESELLER SELECTED BY A CUSTOMER UNTIL THE CUSTOMER PROVIDES EXPRESS AUTHORIZATION FOR A CHANGE TO ANOTHER TELEPHONE COMPANY OR RESELLER;

(2) FOR TELECOMMUNICATIONS SERVICE OPTIONS FOR WHICH THE TELEPHONE COMPANY OR RESELLER IMPOSES A CHARGE, THE TELECOMMUNICATIONS SERVICE OPTIONS SELECTED BY A CUSTOMER UNTIL THE CUSTOMER PROVIDES EXPRESS AUTHORIZATION FOR A CHANGE OF TELECOMMUNICATIONS SERVICE OPTIONS; OR

(3) THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER'S BILLING ARRANGEMENT UNTIL THE CUSTOMER PROVIDES EXPRESS AUTHORIZATION FOR A CHANGE OF THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER'S BILLING ARRANGEMENT.

(C) “RESELLER” MEANS A PERSON WHO:

(1) PROVIDES TELECOMMUNICATIONS SERVICES TO END-USE CUSTOMERS BY USING THE TRANSMISSION FACILITIES OF ANOTHER PERSON, INCLUDING WIRE, CABLE, OPTICAL FIBER, OR SATELLITE OR TERRESTRIAL RADIO SIGNALS, REGARDLESS OF WHETHER THE RESELLER POSSESSES ITS OWN SWITCHING FACILITIES; OR

(2) BILLS AN END-USE CUSTOMER OR CAUSES THE CUSTOMER TO BE BILLED FOR TELECOMMUNICATIONS SERVICE.

(D) “TELECOMMUNICATIONS SERVICE” MEANS ANY SERVICE OR PRODUCT PROVIDED BY A TELEPHONE COMPANY OR RESELLER THAT IS UNDER THE

JURISDICTION OF THE COMMISSION.

AMENDMENT NO. 3

On page 2, in lines 26 and 30, in each instance, strike "OR A" and substitute "OR"; in line 28, strike "SERVICES" and substitute "SERVICE"; in line 29, after "PERSON" insert "OR COMPANY"; in line 31, strike "THE"; after line 31, insert:

"8-403.

EACH RESELLER THAT PROVIDES TELECOMMUNICATIONS SERVICE SHALL OBTAIN AUTHORIZATION FROM THE COMMISSION IN A MANNER DETERMINED BY THE COMMISSION TO PROVIDE THOSE SERVICES IN THE STATE.";

in line 32, strike "8-403." and substitute "8-404."; and in line 33, strike "THE".

On page 3, strike beginning with ", CHANGE" in line 1 down through "RESELLER" in line 6 and substitute ":

(1) CHANGE, OR DIRECT ANOTHER TELEPHONE COMPANY OR RESELLER TO CHANGE, THE CUSTOMER'S TELEPHONE COMPANY OR RESELLER;

(2) SELECT A TELECOMMUNICATIONS SERVICE OPTION FOR WHICH THE TELEPHONE COMPANY OR RESELLER IMPOSES A CHARGE; OR

(3) CHANGE THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER'S BILLING ARRANGEMENT".

AMENDMENT NO. 4

On page 3, strike in their entirety lines 7 through 23, inclusive; in line 28, after "COMPANY" insert "OR RESELLER"; in line 29, strike "A CUSTOMER'S"; and strike in their entirety lines 30 through 32, inclusive, and substitute:

"(1) A CUSTOMER'S TELEPHONE COMPANY;

(Over)

(2) A CUSTOMER'S RESELLER;

(3) A CUSTOMER'S TELECOMMUNICATIONS SERVICE OPTIONS; OR

(4) THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER'S BILLING ARRANGEMENT.”.

AMENDMENT NO. 5

On page 4, in lines 16, 17, 23, and 24, in each instance, after “CUSTOMER” insert a comma; strike beginning with “IN” in line 20 down through “SECTION,” in line 21; in line 24, strike the second “A” and substitute “THE”; in line 26, strike “OF THE” and substitute “PROVIDING THE NEW”; strike beginning with “IN” in line 28 down through “SECTION,” in line 29; strike in their entirety lines 30 through 33, inclusive, and substitute:

“(C) WHEN A CUSTOMER, OR A TELEPHONE COMPANY OR RESELLER ON BEHALF OF A CUSTOMER, MAKES A CHANGE IN THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER'S BILLING ARRANGEMENT, THE TELEPHONE COMPANY OR RESELLER PROVIDING THE NEW BILLING SERVICE OR ARRANGEMENT SHALL PROVIDE A CONSPICUOUS NOTICE TO THE CUSTOMER, INFORMING THE CUSTOMER THAT THE CHANGE WAS MADE.

(D) A TELEPHONE COMPANY OR RESELLER THAT IS REQUIRED TO PROVIDE NOTICE UNDER THIS SECTION SHALL PROVIDE THE NOTICE BY:”;

in line 36, strike “10” and substitute “30”; and after line 37, insert:

“(E) A TELEPHONE COMPANY OR RESELLER MAY NOT, ON BEHALF OF A CUSTOMER, FAIL TO MAKE ANY CHANGE IN A CUSTOMER'S TELEPHONE COMPANY, RESELLER, OR TELECOMMUNICATIONS SERVICE OPTIONS, OR IN THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER'S BILLING ARRANGEMENT WHEN THE CHANGE ORDER HAS BEEN RECEIVED IN A MANNER THAT COMPLIES WITH FEDERAL AND STATE RULES AND REGULATIONS. ALL SUCH CHANGE ORDERS SHALL BE PROPERLY PROCESSED TO ASSURE THAT THE ORDER IS COMPLETED AND SERVICE WILL BE PROVIDED BY THE NEW TELEPHONE COMPANY OR RESELLER OF

CHOICE WITHIN 15 BUSINESS DAYS OF RECEIPT OF THE COMPLIANT CHANGE ORDER OR AS OTHERWISE NEGOTIATED WITH THE CUSTOMER.

8-407.

(A) IF THE COMMISSION DETERMINES THAT A HOLD ORDER OR FREEZE IS NECESSARY, THE COMMISSION MAY REQUIRE A TELEPHONE COMPANY OR RESELLER THAT OPERATES THE NETWORK FACILITIES THAT CONTROL ROUTING, SELECTION, OR BILLING FUNCTIONS NECESSARY TO IMPLEMENT THE HOLD ORDER OR FREEZE TO OFFER THE HOLD ORDER OR FREEZE TO THE TELEPHONE COMPANY'S END-USE CUSTOMERS OR TO THE RESELLER'S END-USE CUSTOMERS AS A METHOD OF REDUCING INCIDENTS OF UNAUTHORIZED CHANGES IN A CUSTOMER'S TELEPHONE COMPANY, RESELLER, OR TELECOMMUNICATIONS SERVICE OPTIONS, OR IN THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER'S BILLING ARRANGEMENT.

(B) A TELEPHONE COMPANY OR RESELLER THAT IS REQUIRED TO OFFER A HOLD ORDER OR FREEZE SHALL IMPLEMENT THE HOLD ORDER OR FREEZE IN A NONDISCRIMINATORY AND COMPETITIVELY NEUTRAL MANNER THAT DOES NOT GIVE THE TELEPHONE COMPANY OR RESELLER AN ADVANTAGE OVER ITS COMPETITORS IN THE TELECOMMUNICATIONS MARKET.

(C) ALL REGULATIONS REGARDING THE IMPLEMENTATION OF A HOLD ORDER OR FREEZE SHALL BE CONSISTENT WITH THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION.”.

AMENDMENT NO. 6

On page 5, in line 1, strike “8-407.” and substitute “8-408.”; in line 2, after “(A)” insert “TO IMPLEMENT THIS SUBTITLE”; in line 3, after “SUBTITLE” insert “THAT ARE”; in lines 3 and 4, strike “AND REGULATIONS”; in lines 6 and 9, in each instance, strike “AUTHORIZE AND”; in line 7, strike “A” and substitute “THE CUSTOMER’S”; strike beginning with “MADE” in line 10 down through “CUSTOMER” in line 11; after line 11, insert:

(Over)

“(3) PROCEDURES FOR A CUSTOMER TO CONFIRM A CHANGE IN THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER'S BILLING ARRANGEMENT;”;

in lines 12, 14, and 15, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(4)”, “(5)”, and “(6)”, respectively; and in line 14, strike “BY THE COMMISSION”.

AMENDMENT NO. 7

On page 5, in line 17, strike “8-408.” and substitute “8-409.”; in line 18, before “A” insert “(A)”; in the same line, strike “TO COMPLY”; strike in its entirety line 21; in line 22, before “FOR” insert “(B)”; in lines 25, 26, and 27, in each instance, before “RESELLER” insert “TELEPHONE COMPANY OR”; in lines 25 and 27, in each instance, strike “OR TELEPHONE COMPANY”; in line 26, after “IN” insert “THE”; strike beginning with “OR” in line 26 down through the first “COMPANY” in line 27; and in line 28, after “PARTY” insert “IN ACCORDANCE WITH § 8-405 OF THIS SUBTITLE”.

AMENDMENT NO. 8

On pages 5 and 6, strike in their entirety the lines beginning with line 29 on page 5 through line 2 on page 6, inclusive, and substitute:

“(C) IN ADDITION TO ANY OTHER AVAILABLE PENALTY, THE COMMISSION MAY ASSESS DIRECTLY, AFTER AN OPPORTUNITY FOR HEARING, AN ADMINISTRATIVE PENALTY ON A TELEPHONE COMPANY OR RESELLER THAT VIOLATES THE PROVISIONS OF THIS SUBTITLE, OR A REGULATION ADOPTED UNDER THIS SUBTITLE, OR FEDERAL LAW OR REGULATION ON UNAUTHORIZED CHANGES TO A CUSTOMER'S TELEPHONE COMPANY, RESELLER, OR TELECOMMUNICATIONS SERVICE OPTIONS, OR TO THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER'S BILLING ARRANGEMENT.”.

AMENDMENT NO. 9

On page 6, in line 3, strike “(B)” and substitute “(D)”; in line 5, strike “WITHIN” and substitute “IN”; in line 6, strike “(C)” and substitute “(E)”; strike beginning with “WITHIN” in line 9 down through “ASSESSED” in line 10; and in line 16, strike “(D)” and substitute “(F)”.