

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 299

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Change of Service Providers and Options” and substitute “Changes in Telecommunications Service”; in lines 3 and 7, in each instance, after “companies” insert “and resellers”; in line 4, after “concerning” insert “the customer’s”; in lines 4 and 5, strike “telephone service providers and options” and substitute “a telephone company or reseller, telecommunications service options, or the person who bills the customer or the customer’s billing arrangement”; in line 7, after “circumstances;” insert “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;”; in line 11, strike “telephone service providers and changes of service” and substitute “changes in telecommunications service”; in line 14, strike “8-407” and substitute “8-409”; and in line 15, strike “Telephone” and substitute “Telecommunications”.

AMENDMENT NO. 2

On page 2, in lines 7, 9, and 11, in each instance, strike “SERVICE PROVIDER” and substitute “COMPANY OR RESELLER”; in line 9, strike “OR”; in line 13, after “OPTIONS” insert “; 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:

(Over)

(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”;

and strike in their entirety lines 14 through 16, inclusive, and substitute:

“(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 18, 21, 22, 24, 26, 27, 31, and 33, on page 3 in lines 1, 4, 6, 7, 28, 34, and 37, and on page 4 in lines 7, 17, and 21, in each instance, after “COMPANY” insert “OR RESELLER”.

On page 2 in lines 2, 11, 13, 30, and 34, on page 3 in lines 2 and 5, and on page 4 in line 10, in each instance, strike “TELEPHONE” and substitute “TELECOMMUNICATIONS”.

On page 2, in line 10, strike the first “TELEPHONE” and substitute “TELECOMMUNICATIONS”.

AMENDMENT NO. 4

On page 2, in line 19, after “CARRIER” insert “TELECOMMUNICATIONS”; and after line 22, 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.”.

AMENDMENT NO. 5

On page 2, in line 23, strike “8-403.” and substitute “8-404.”; strike beginning with “PROVIDER” in line 28 down through “PROVIDERS” in line 29 and substitute “TELEPHONE COMPANY OR RESELLER”; in line 29, strike “OR”; and in line 31, after “CHARGE” insert “; OR”

(3) CHANGE THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER’S BILLING ARRANGEMENT”.

AMENDMENT NO. 6

On page 2, before line 32, insert:

“8-405.

(A) THIS SECTION APPLIES TO A TELEPHONE COMPANY OR RESELLER THAT INITIATES AN UNAUTHORIZED CHANGE IN VIOLATION OF THIS SUBTITLE IN:

(1) A CUSTOMER’S TELEPHONE COMPANY;

(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.

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

(1) TO THE CUSTOMER, THE CUSTOMER’S PREVIOUSLY SELECTED TELEPHONE COMPANY OR RESELLER, OR BOTH, AS DETERMINED BY THE COMMISSION, FOR ALL LONG DISTANCE CHARGES, LOCAL EXCHANGE SERVICE

(Over)

CHARGES, PROVIDER SWITCHING FEES, THE VALUE OF ANY PREMIUMS TO WHICH THE CUSTOMER WOULD HAVE BEEN ENTITLED, AND OTHER RELEVANT CHARGES INCURRED BY THE CUSTOMER IN THE FIRST 30 DAYS OF THE UNAUTHORIZED CHANGE; AND

(2) TO THE CUSTOMER'S LOCAL EXCHANGE PROVIDER FOR THE CHANGE FEES FOR THE UNAUTHORIZED CHANGE AND REINSTATING THE CUSTOMER TO THE ORIGINAL TELEPHONE COMPANY OR RESELLER."

AMENDMENT NO. 7

On page 2, in line 32, strike "8-404." and substitute "8-406.".

AMENDMENT NO. 8

On page 3, in line 1, strike "TELEPHONE SERVICE PROVIDER" and substitute "THE CUSTOMER'S TELEPHONE COMPANY OR RESELLER"; in the same line, after "PROVIDING" insert "THE"; in line 7, strike "TELEPHONE" and substitute "TELECOMMUNICATIONS"; after line 9, insert:

"(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."

in lines 10 and 18, strike "(C)" and "(D)", respectively, and substitute "(D)" and "(E)", respectively; strike beginning with "THE" in line 10 down through "SECTION" in line 13 and substitute "A TELEPHONE COMPANY OR RESELLER THAT IS REQUIRED TO PROVIDE NOTICE UNDER THIS SECTION SHALL PROVIDE THE NOTICE"; in line 16, strike "60" and substitute "30"; in line 18, after "COMPANY" insert "OR RESELLER"; strike beginning with "PROVIDER" in line 19 down through "PROVIDERS" in line 20 and substitute "A CUSTOMER'S TELEPHONE COMPANY, RESELLER, OR TELECOMMUNICATIONS SERVICE OPTIONS, OR IN THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER'S BILLING ARRANGEMENT"; in lines 23 and 24, strike "SERVICE PROVIDER" and substitute

“COMPANY OR RESELLER”; and in line 25, after “ORDER” insert “OR AS OTHERWISE NEGOTIATED WITH THE CUSTOMER”.

AMENDMENT NO. 9

On page 3, in line 26, strike “8-405.” and substitute “8-407.”; in line 32, after “CUSTOMERS” insert “OR TO THE RESELLER’S END-USE CUSTOMERS”; in line 33, strike “TELEPHONE SERVICE PROVIDER OR TELEPHONE SERVICE OPTIONS” and substitute “A CUSTOMER’S TELEPHONE COMPANY, RESELLER, OR TELECOMMUNICATIONS SERVICE OPTIONS, OR IN THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER’S BILLING ARRANGEMENT”; in line 39, strike “RULES AND”; and in line 40, after “RULES” insert “AND REGULATIONS”.

AMENDMENT NO. 10

On page 4, in line 1, strike “8-406.” and substitute “8-408.”; strike beginning with “ON” in line 3 down through “OPTIONS” in line 4 and substitute “TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE”; in line 7, strike “TELEPHONE SERVICE PROVIDER” and substitute “THE CUSTOMER’S TELEPHONE COMPANY OR RESELLER”; strike in their entirety lines 11 and 12, inclusive, and substitute:

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

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

and in lines 13 and 14, strike “(4)” and “(5)”, respectively, and substitute “(5)” and “(6)”, respectively.

AMENDMENT NO. 11

On page 4, in line 16, strike “8-407.” and substitute “8-409.”; after line 18, insert:

“(B) FOR THE PURPOSE OF ENFORCING THE PROVISIONS OF THIS SUBTITLE, THE COMMISSION MAY:

(Over)

(1) EXERCISE ANY OF THE POWERS CONFERRED UNDER THIS ARTICLE AGAINST A TELEPHONE COMPANY OR A RESELLER; AND

(2) IN THE CASE OF A COMPLAINT FILED AGAINST A TELEPHONE COMPANY OR A RESELLER, ORDER THE TELEPHONE COMPANY OR RESELLER TO MAKE REPARATIONS TO THE COMPLAINING PARTY IN ACCORDANCE WITH § 8-405 OF THIS SUBTITLE.”;

in lines 19, 25, and 28, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; strike beginning with “IN” in line 23 down through “OPTIONS” in line 24 and substitute “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”; and in line 26, strike “WITHIN” and substitute “IN”.

AMENDMENT NO. 12

On page 5, in line 1, strike “(E)” and substitute “(F)”.