

HOUSE BILL 960

Unofficial Copy  
C5

1999 Regular Session  
(91r0585)

*ENROLLED BILL*  
*-- Environmental Matters/Finance --*

Introduced by **Delegates Bobo, Frush, Hubbard, and Stern**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Telephones - Change Changes in Telecommunications Service Provider**  
3 **Services Service**

4 ~~FOR the purpose of prohibiting certain telecommunications service providers from~~  
5 ~~transferring a customer's account to another telecommunications service~~  
6 ~~provider unless certain information is obtained from the customer by the~~  
7 ~~telecommunications service provider to whom the customer's account is to be~~  
8 ~~transferred telephone companies or resellers from changing, on behalf of a~~  
9 ~~customer, the customer's telephone company or reseller or telecommunications~~  
10 ~~service options unless the telephone company or reseller complies with certain~~  
11 ~~authorization and confirmation procedures; requiring toll resellers to register~~  
12 ~~each year on a certain form with the Public Service Commission; providing~~  
13 ~~certain penalties providing for the application of this Act; imposing certain~~  
14 ~~liabilities on a telephone company or reseller that initiates an unauthorized~~  
15 ~~change in a customer's telephone company or reseller that provides toll services~~  
16 ~~or a customer's telecommunications service options; requiring a telephone~~  
17 ~~company or reseller to provide in a certain manner a certain notice to a customer~~

1 ~~informing the customer that certain changes have been made to the customer's~~  
 2 ~~telephone company or reseller or telecommunications service options under~~  
 3 ~~certain circumstances; authorizing the Commission to take certain actions~~  
 4 ~~against a telephone company or reseller for certain violations; authorizing the~~  
 5 ~~Commission to adopt certain regulations; authorizing the Commission to assess~~  
 6 ~~a certain administrative penalty on a telephone company or reseller that~~  
 7 ~~violates this Act under certain circumstances; defining certain terms; and~~  
 8 ~~generally relating to changes in telecommunications service providers services.~~

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

25 BY adding to

26 Article - Public Utility Companies

27 Section 8-401 through ~~8-404~~ 8-410 ~~8-409~~, inclusive, to be under the new

28 subtitle "Subtitle 4. ~~Change in Telecommunications Service Provider~~

29 ~~Services Service Changes"~~

30 Annotated Code of Maryland

31 (1998 Volume)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

33 MARYLAND, That the Laws of Maryland read as follows:

34 **Article - Public Utility Companies**

35 **SUBTITLE 4. CHANGE IN TELECOMMUNICATIONS SERVICE PROVIDER SERVICES.**

36 ~~8-401.~~

37 (A) ~~IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~

38 ~~INDICATED.~~

39 (B) ~~"TOLL RESELLER" MEANS A PERSON WHO PROVIDES TOLL SERVICES OR~~

40 ~~TELECOMMUNICATIONS SERVICES TO END-USE CUSTOMERS BY USING THE~~

~~1 TRANSMISSION FACILITIES OF ANOTHER PERSON, INCLUDING WIRE, CABLE,  
2 OPTICAL FIBER, OR SATELLITE OR TERRESTRIAL RADIO SIGNALS, REGARDLESS OF  
3 WHETHER THE TOLL RESELLER POSSESSES ITS OWN SWITCHING FACILITIES.~~

~~4 (C) "TELECOMMUNICATIONS SERVICE" MEANS ANY SERVICE OR PRODUCT  
5 PROVIDED BY A TELEPHONE COMPANY OR RESELLER THAT IS SUPPLIED BY WAY OF  
6 TRANSMISSION OVER TELEPHONE LINES.~~

~~7 (C) (D) "TOLL SERVICE" MEANS A TYPE OF TELECOMMUNICATIONS SERVICE,  
8 COMMONLY KNOWN AS LONG-DISTANCE SERVICE, THAT IS PROVIDED ON AN  
9 INTRASTATE BASIS BETWEEN LATAS AND WITHIN LATAS AND THAT IS:~~

~~10 (1) NOT INCLUDED AS A PART OF BASIC LOCAL EXCHANGE SERVICE;  
11 AND~~

~~12 (2) PROVIDED BETWEEN LOCAL CALLING AREAS.~~

13 SUBTITLE 4. TELECOMMUNICATIONS SERVICE CHANGES.

14 8-401.

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

17 (B) "HOLD ORDER" OR "FREEZE" MEANS A DIRECTIVE TO RETAIN:

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

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

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

30 (C) "RESELLER" MEANS A PERSON WHO:

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

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

3     (D)     "TELECOMMUNICATIONS SERVICE" MEANS ANY SERVICE OR PRODUCT  
4 PROVIDED BY A TELEPHONE COMPANY OR RESELLER THAT IS UNDER THE  
5 JURISDICTION OF THE COMMISSION.

6 8-402.

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

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

13 8-403.

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

17 8-403.8-404.

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

23           (1)     TELEPHONE COMPANY OR RESELLER; OR

24           (2)     TELECOMMUNICATIONS SERVICES FOR WHICH THE CUSTOMER HAS  
25 THE ABILITY TO SUBSCRIBE TO OR SELECT FROM MORE THAN ONE TELEPHONE  
26 COMPANY OR RESELLER :

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

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

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

33 8-402.8-404.

34     (A)     ON OR BEFORE JANUARY 1 OF EACH YEAR, EACH TOLL RESELLER THAT  
35 PROVIDES TOLL SERVICES IN THE STATE SHALL REGISTER WITH THE COMMISSION  
36 ON A FORM DEVELOPED BY THE COMMISSION.

1 ~~(B) THE REGISTRATION SHALL INCLUDE:~~

2 ~~(1) THE TOLL RESELLER'S NAME AND COMPLETE ADDRESS;~~

3 ~~(2) ALL NAMES UNDER WHICH THE TOLL RESELLER DOES BUSINESS;~~

4 ~~(3) ALL NAMES AND IDENTIFICATION NUMBERS UNDER WHICH THE~~  
5 ~~TOLL RESELLER HAS REGISTERED WITH THE APPROPRIATE STATE AGENCY;~~

6 ~~(4) THE NAME, TITLE, ADDRESS, AND TELEPHONE NUMBER OF AN~~  
7 ~~AUTHORIZED REPRESENTATIVE TO WHOM THE COMMISSION MAY MAKE INQUIRIES;~~

8 ~~(5) A TOLL FREE TELEPHONE NUMBER TO WHICH CONSUMER~~  
9 ~~INQUIRIES OR COMPLAINTS MAY BE MADE; AND~~

10 ~~(6) ANY ADDITIONAL INFORMATION REQUIRED BY THE COMMISSION.~~

11 ~~(C) EACH TOLL RESELLER SHALL NOTIFY THE COMMISSION OF ANY CHANGE~~  
12 ~~IN THE INFORMATION PROVIDED IN THE REGISTRATION BEFORE THE CHANGE IS TO~~  
13 ~~TAKE EFFECT.~~

14 ~~8-403; 8-405.~~

15 ~~A TELECOMMUNICATIONS SERVICE PROVIDER WHO INITIATES AN~~  
16 ~~UNAUTHORIZED CHANGE IN A CUSTOMER'S TELECOMMUNICATIONS SERVICE~~  
17 ~~PROVIDER IN VIOLATION OF THIS SUBTITLE IS LIABLE:~~

18 ~~(A) THIS SECTION APPLIES TO A TELEPHONE COMPANY OR RESELLER THAT~~  
19 ~~INITIATES AN UNAUTHORIZED CHANGE IN VIOLATION OF THIS SUBTITLE IN A~~  
20 ~~CUSTOMER'S:~~

21 ~~(1) TELEPHONE COMPANY;~~

22 ~~(2) RESELLER THAT PROVIDES TOLL SERVICES; OR~~

23 ~~(3) OPTIONS;~~

24 ~~(1) A CUSTOMER'S TELEPHONE COMPANY;~~

25 ~~(2) A CUSTOMER'S RESELLER;~~

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

27 ~~(4) THE PERSON WHO BILLS THE CUSTOMER OR THE CUSTOMER'S~~  
28 ~~BILLING ARRANGEMENT.~~

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

31 ~~(1) TO THE CUSTOMER, THE CUSTOMER'S PREVIOUSLY SELECTED~~  
32 ~~TELECOMMUNICATIONS SERVICE PROVIDER TELEPHONE COMPANY OR RESELLER,~~

1 OR BOTH, AS DETERMINED BY THE COMMISSION, FOR ALL INTRASTATE LONG  
2 DISTANCE CHARGES, INTERSTATE LONG DISTANCE CHARGES, LOCAL EXCHANGE  
3 SERVICE CHARGES, PROVIDER SWITCHING FEES, THE VALUE OF ANY PREMIUMS TO  
4 WHICH THE CUSTOMER WOULD HAVE BEEN ENTITLED, AND OTHER RELEVANT  
5 CHARGES INCURRED BY THE CUSTOMER IN THE FIRST ~~90~~ 30 DAYS OF THE  
6 UNAUTHORIZED CHANGE; AND

7 (2) TO THE CUSTOMER'S LOCAL EXCHANGE PROVIDER FOR THE  
8 CHANGE FEES FOR THE UNAUTHORIZED CHANGE AND REINSTATING THE CUSTOMER  
9 TO THE ORIGINAL ~~TELECOMMUNICATIONS SERVICE PROVIDER~~ TELEPHONE  
10 COMPANY OR RESELLER.

11 8-406.

12 (A) WHEN A CUSTOMER, OR A TELEPHONE COMPANY OR RESELLER  
13 PROVIDING A NEW TELECOMMUNICATIONS SERVICE ON BEHALF OF THE CUSTOMER,  
14 MAKES A CHANGE IN THE CUSTOMER'S TELEPHONE COMPANY OR RESELLER, THE  
15 TELEPHONE COMPANY OR RESELLER PROVIDING THE NEW TELECOMMUNICATIONS  
16 SERVICE SHALL PROVIDE A CONSPICUOUS NOTICE TO THE CUSTOMER, ~~IN~~  
17 ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION,  
18 INFORMING THE CUSTOMER THAT THE CHANGE WAS MADE.

19 (B) WHEN A CUSTOMER, OR A TELEPHONE COMPANY OR RESELLER ON  
20 BEHALF OF THE CUSTOMER, MAKES A CHANGE IN ~~A~~ *THE* CUSTOMER'S SELECTION OF  
21 A TELECOMMUNICATIONS SERVICE OPTION FOR WHICH THE TELEPHONE COMPANY  
22 OR RESELLER IMPOSES A CHARGE, THE TELEPHONE COMPANY OR RESELLER ~~OF THE~~  
23 PROVIDING THE NEW TELECOMMUNICATIONS SERVICE OPTION SHALL PROVIDE A  
24 CONSPICUOUS NOTICE TO THE CUSTOMER, ~~IN ACCORDANCE WITH THE PROVISIONS~~  
25 OF SUBSECTION (C) OF THIS SECTION, INFORMING THE CUSTOMER THAT THE  
26 CHANGE WAS MADE.

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

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

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

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

1           (2)     SENDING A SEPARATE NOTICE TO THE CUSTOMER WITHIN 30  
2 DAYS AFTER THE CHANGE TAKES EFFECT.

3     (E)     A TELEPHONE COMPANY OR RESELLER MAY NOT, ON BEHALF OF A  
4 CUSTOMER, FAIL TO MAKE ANY CHANGE IN A CUSTOMER'S TELEPHONE COMPANY,  
5 RESELLER, OR TELECOMMUNICATIONS SERVICE OPTIONS, OR IN THE PERSON WHO  
6 BILLS THE CUSTOMER OR THE CUSTOMER'S BILLING ARRANGEMENT WHEN THE  
7 CHANGE ORDER HAS BEEN RECEIVED IN A MANNER THAT COMPLIES WITH FEDERAL  
8 AND STATE RULES AND REGULATIONS. ALL SUCH CHANGE ORDERS SHALL BE  
9 PROPERLY PROCESSED TO ASSURE THAT THE ORDER IS COMPLETED AND SERVICE  
10 WILL BE PROVIDED BY THE NEW TELEPHONE COMPANY OR RESELLER OF CHOICE  
11 WITHIN 15 BUSINESS DAYS OF RECEIPT OF THE COMPLIANT CHANGE ORDER OR AS  
12 OTHERWISE NEGOTIATED WITH THE CUSTOMER.

13 8-407.

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

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

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

32 ~~8-404.~~ 8-407. ~~8-408.~~

33     (A)     TO IMPLEMENT THIS SUBTITLE THE COMMISSION MAY ADOPT  
34 REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE THAT  
35 ARE CONSISTENT WITH FEDERAL LAW AND REGULATIONS.

36     (B)     THE REGULATIONS MAY INCLUDE:

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

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

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

6           ~~(3)~~   (4)     PROVISIONS FOR THE DISCLOSURE TO THE CUSTOMER OF THE  
 7 TERMS OF THE SERVICES OFFERED BY A TELEPHONE COMPANY OR RESELLER;

8           ~~(4)~~   (5)     METHODS OF ENFORCEMENT BY THE COMMISSION; AND

9           ~~(5)~~   (6)     OTHER PROVISIONS, NOT INCONSISTENT WITH FEDERAL LAW,  
 10 THAT THE COMMISSION CONSIDERS NECESSARY TO IMPLEMENT THIS SUBTITLE.

11 ~~§ 408, 8-409.~~

12        (A)     A TELEPHONE COMPANY OR RESELLER MAY NOT FAIL TO COMPLY OR  
 13 NEGLECT TO COMPLY WITH THIS SUBTITLE OR WITH A REGULATION ADOPTED  
 14 UNDER THIS SUBTITLE.

15 ~~§ 409.~~

16        ~~(B)~~   (B)     FOR THE PURPOSE OF ENFORCING ~~§ 8-402 OF~~ THE PROVISIONS OF  
 17 THIS SUBTITLE, THE COMMISSION MAY:

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

21           (2)     IN THE CASE OF A COMPLAINT FILED AGAINST A ~~TOLL~~ TELEPHONE  
 22 COMPANY OR RESELLER OR TELEPHONE COMPANY, ORDER THE ~~TOLL~~ TELEPHONE  
 23 COMPANY OR RESELLER OR TELEPHONE COMPANY TO MAKE REPARATIONS TO THE  
 24 COMPLAINING PARTY IN ACCORDANCE WITH § 8-405 OF THIS SUBTITLE.

25 ~~§ 410.~~

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

31           ~~(1)~~     THIS SUBTITLE;

32           ~~(2)~~     A REGULATION ADOPTED UNDER THIS SUBTITLE; OR

33           ~~(3)~~     FEDERAL LAW OR REGULATIONS.

34        (C)     IN ADDITION TO ANY OTHER AVAILABLE PENALTY, THE COMMISSION MAY  
 35 ASSESS DIRECTLY, AFTER AN OPPORTUNITY FOR HEARING, AN ADMINISTRATIVE

1 PENALTY ON A TELEPHONE COMPANY OR RESELLER THAT VIOLATES THE  
2 PROVISIONS OF THIS SUBTITLE, OR A REGULATION ADOPTED UNDER THIS  
3 SUBTITLE, OR FEDERAL LAW OR REGULATION ON UNAUTHORIZED CHANGES TO A  
4 CUSTOMER'S TELEPHONE COMPANY, RESELLER, OR TELECOMMUNICATIONS  
5 SERVICE OPTIONS, OR TO THE PERSON WHO BILLS THE CUSTOMER OR THE  
6 CUSTOMER'S BILLING ARRANGEMENT.

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

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

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

15 (2) THE DEGREE OF CULPABILITY OF THE VIOLATOR;

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 1999.