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By: **Delegates Bobo, Brown, Frush, Hubbard, and Stern**

Introduced and read first time: February 12, 1999

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Telephones - Change in Telecommunications Service Provider**

3 FOR the purpose of prohibiting certain telecommunications service providers from  
4 transferring a customer's account to another telecommunications service  
5 provider unless certain information is obtained from the customer by the  
6 telecommunications service provider to whom the customer's account is to be  
7 transferred; requiring toll resellers to register each year on a certain form with  
8 the Public Service Commission; providing certain penalties for certain  
9 violations; authorizing the Commission to adopt certain regulations; defining  
10 certain terms; and generally relating to changes in telecommunications service  
11 providers.

12 BY adding to

13 Article - Public Utility Companies

14 Section 8-401 through 8-404, inclusive, to be under the new subtitle "Subtitle 4.

15 Change in Telecommunications Service Provider"

16 Annotated Code of Maryland

17 (1998 Volume)

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

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

20 **Article - Public Utility Companies**

21 **SUBTITLE 4. CHANGE IN TELECOMMUNICATIONS SERVICE PROVIDER.**

22 8-401.

23 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS

24 INDICATED.

25 (B) "TOLL RESELLER" MEANS A PERSON WHO PROVIDES TOLL SERVICES TO

26 END-USE CUSTOMERS BY USING THE TRANSMISSION FACILITIES OF ANOTHER

27 PERSON, INCLUDING WIRE, CABLE, OPTICAL FIBER, OR SATELLITE OR TERRESTRIAL

1 RADIO SIGNALS, REGARDLESS OF WHETHER THE TOLL RESELLER POSSESSES ITS  
2 OWN SWITCHING FACILITIES.

3 (C) "TOLL SERVICE" MEANS A TYPE OF TELECOMMUNICATIONS SERVICE,  
4 COMMONLY KNOWN AS LONG DISTANCE SERVICE, THAT IS PROVIDED ON AN  
5 INTRASTATE BASIS BETWEEN LATAS AND WITHIN LATAS AND THAT IS:

6 (1) NOT INCLUDED AS A PART OF BASIC LOCAL EXCHANGE SERVICE;  
7 AND

8 (2) PROVIDED BETWEEN LOCAL CALLING AREAS.

9 8-402.

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

13 (B) THE REGISTRATION SHALL INCLUDE:

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

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

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

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

20 (5) A TOLL-FREE TELEPHONE NUMBER TO WHICH CONSUMER  
21 INQUIRIES OR COMPLAINTS MAY BE MADE; AND

22 (6) ANY ADDITIONAL INFORMATION REQUIRED BY THE COMMISSION.

23 (C) EACH TOLL RESELLER SHALL NOTIFY THE COMMISSION OF ANY CHANGE  
24 IN THE INFORMATION PROVIDED IN THE REGISTRATION BEFORE THE CHANGE IS TO  
25 TAKE EFFECT.

26 8-403.

27 A TELECOMMUNICATIONS SERVICE PROVIDER WHO INITIATES AN  
28 UNAUTHORIZED CHANGE IN A CUSTOMER'S TELECOMMUNICATIONS SERVICE  
29 PROVIDER IN VIOLATION OF THIS SUBTITLE IS LIABLE:

30 (1) TO THE CUSTOMER, THE CUSTOMER'S PREVIOUSLY SELECTED  
31 TELECOMMUNICATIONS SERVICE PROVIDER, OR BOTH, AS DETERMINED BY THE  
32 COMMISSION, FOR ALL INTRASTATE LONG DISTANCE CHARGES, INTERSTATE LONG  
33 DISTANCE CHARGES, LOCAL EXCHANGE SERVICE CHARGES, PROVIDER SWITCHING  
34 FEES, THE VALUE OF ANY PREMIUMS TO WHICH THE CUSTOMER WOULD HAVE BEEN

1 ENTITLED, AND OTHER RELEVANT CHARGES INCURRED BY THE CUSTOMER IN THE  
2 FIRST 90 DAYS OF THE UNAUTHORIZED CHANGE; AND

3 (2) TO THE CUSTOMER'S LOCAL EXCHANGE PROVIDER FOR THE  
4 CHANGE FEES FOR THE UNAUTHORIZED CHANGE AND REINSTATING THE CUSTOMER  
5 TO THE ORIGINAL TELECOMMUNICATIONS SERVICE PROVIDER.

6 8-404.

7 (A) THE COMMISSION MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT  
8 THE PROVISIONS OF THIS SUBTITLE.

9 (B) FOR THE PURPOSE OF ENFORCING § 8-402 OF THIS SUBTITLE, THE  
10 COMMISSION MAY:

11 (1) EXERCISE ANY OF THE POWERS CONFERRED UNDER THIS ARTICLE  
12 AGAINST A TOLL RESELLER; AND

13 (2) IN CASE OF A COMPLAINT FILED AGAINST A TOLL RESELLER, ORDER  
14 THE TOLL RESELLER TO MAKE REPARATIONS TO THE COMPLAINING PARTY.

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