

HOUSE BILL 61

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C5

2002 Regular Session
2lr0592

(PRE-FILED)

By: **Delegate Stern**

Requested: October 3, 2001

Introduced and read first time: January 9, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Interexchange Telecommunications Carriers - Customer Rights**

3 FOR the purpose of providing for the standing of a customer of an interexchange
4 telecommunications carrier to bring suit in a certain court, notwithstanding a
5 certain circumstance; requiring an interexchange telecommunications carrier to
6 file a certain tariff schedule and to provide certain notice to certain customers
7 before certain price increases may take effect; specifying that certain customers
8 may not be required to pay for certain increases under a certain circumstance;
9 requiring certain interexchange telecommunications carriers to refund certain
10 amounts to certain persons under a certain circumstance; requiring the Public
11 Service Commission to adopt certain regulations, and requiring the inclusion of
12 certain regulations under a certain circumstance; specifying the inapplicability
13 of certain provisions of law to interexchange telecommunications carriers;
14 defining a certain term; and generally relating to certain rights of certain
15 customers of interexchange telecommunications carriers.

16 BY renumbering

17 Article - Public Utility Companies
18 Section 1-101(o) through (pp), respectively
19 to be Section 1-101(p) through (qq), respectively
20 Annotated Code of Maryland
21 (1998 Volume and 2001 Supplement)

22 BY adding to

23 Article - Public Utility Companies
24 Section 1-101(o), 3-210, and 4-203.1
25 Annotated Code of Maryland
26 (1998 Volume and 2001 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - Public Utility Companies
29 Section 4-203

1 Annotated Code of Maryland
2 (1998 Volume and 2001 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That Section(s) 1-101(o) through (pp), respectively, of Article - Public
5 Utility Companies of the Annotated Code of Maryland be renumbered to be Section(s)
6 1-101(p) through (qq), respectively.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
8 read as follows:

9 **Article - Public Utility Companies**

10 1-101.

11 (O) (1) "INTEREXCHANGE TELECOMMUNICATIONS CARRIER" MEANS A
12 PERSON THAT PROVIDES INTRASTATE INTEREXCHANGE TELECOMMUNICATIONS
13 SERVICES, AS A PUBLIC SERVICE COMPANY, TELEPHONE COMPANY, OR OTHERWISE.

14 (2) "INTEREXCHANGE TELECOMMUNICATIONS CARRIER" INCLUDES A
15 PERSON THAT:

16 (I) PROVIDES SERVICES BY USE OF FACILITIES THAT IT OWNS,
17 LEASES, CONTROLS, OPERATES, OR MANAGES, INCLUDING LEASED PRIVATE LINES
18 OR SPECIAL ACCESS FACILITIES; OR

19 (II) RESELLS SWITCHED SERVICES PROVIDED BY OTHER
20 INTEREXCHANGE CARRIERS.

21 (3) "INTEREXCHANGE TELECOMMUNICATIONS CARRIER" DOES NOT
22 INCLUDE A COMMERCIAL MOBILE RADIO SERVICE PROVIDER, AS DEFINED UNDER
23 FEDERAL LAW.

24 3-210.

25 NOTWITHSTANDING ANY CONTRACTUAL PROVISION TO THE CONTRARY, A
26 CUSTOMER OF AN INTEREXCHANGE TELECOMMUNICATIONS CARRIER SHALL HAVE
27 STANDING TO BRING SUIT AGAINST THE CARRIER IN ANY STATE COURT OF
28 APPROPRIATE JURISDICTION.

29 4-203.

30 (a) THIS SECTION DOES NOT APPLY TO AN INTEREXCHANGE
31 TELECOMMUNICATIONS CARRIER.

32 (B) Unless otherwise ordered by the Commission, a public service company
33 may not establish a new rate or change in rate unless the public service company:

34 (1) provides to the Commission notice of the new rate or change in rate
35 at least 30 days before the new rate is established or current rate is changed; and

1 (2) publishes the new rate or change in rate in accordance with § 4-202
2 of this subtitle during the entire 30 day notice period in new schedules or plainly
3 indicated amendments to existing schedules.

4 [(b)] (C) The public service company shall plainly set forth in the notice and
5 publication:

6 (1) the changes that it proposes to the rate schedules currently in force;
7 and

8 (2) the effective date of the changes.

9 4-203.1.

10 (A) IN THIS SECTION, "PRIOR ADEQUATE WRITTEN NOTICE" INCLUDES:

11 (1) IDENTIFICATION OF ALL CHANGES IN PRICE OR TERMS OR
12 CONDITIONS OF SERVICE;

13 (2) DISCLOSURE OF THE EFFECTIVE DATE OF EACH CHANGE; AND

14 (3) TRANSMITTAL TO ALL AFFECTED CUSTOMERS AT LEAST 45 DAYS
15 BEFORE THE EFFECTIVE DATE OF THE FIRST CHANGE COVERED UNDER THE
16 NOTICE.

17 (B) (1) BEFORE AN INTEREXCHANGE TELECOMMUNICATIONS CARRIER MAY
18 INCREASE THE PRICE FOR ITS SERVICE OR CHANGE THE TERMS OR CONDITIONS OF
19 ITS SERVICE IN A MANNER THAT RESULTS IN INCREASED COST FOR A CUSTOMER,
20 THE CARRIER SHALL:

21 (I) IN ACCORDANCE WITH § 4-202 OF THIS SUBTITLE, FILE A
22 TARIFF SCHEDULE THAT IDENTIFIES THE NEW PRICE OF THE CHANGE IN TERMS OR
23 CONDITIONS OF SERVICE; AND

24 (II) PROVIDE PRIOR ADEQUATE WRITTEN NOTICE TO EACH
25 CUSTOMER.

26 (2) A TIMELY BILL INSERT MAY SERVE AS PRIOR ADEQUATE WRITTEN
27 NOTICE UNDER THIS SUBSECTION.

28 (C) (1) A CUSTOMER WHO HAS NOT RECEIVED PRIOR ADEQUATE WRITTEN
29 NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT BE REQUIRED
30 TO PAY FOR A PRICE INCREASE IN THE CUSTOMER'S BILL THAT IS ATTRIBUTABLE TO
31 AN INCREASE IN PRICE FOR SERVICE OR A CHANGE IN THE TERMS OR CONDITIONS
32 OF SERVICE.

33 (2) IF A CUSTOMER PAYS AN INCREASE WHICH THE CUSTOMER IS NOT
34 REQUIRED TO PAY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
35 INTEREXCHANGE TELECOMMUNICATIONS CARRIER RECEIVING THE PAYMENT
36 SHALL REFUND THE AMOUNT OF OVERPAYMENT TO THE CUSTOMER.

1 (D) (1) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE
2 PROVISIONS OF THIS SECTION.

3 (2) IF THE COMMISSION DETERMINES THAT NOTICE BY ELECTRONIC
4 MEANS IS SATISFACTORY FOR THE PURPOSES OF THIS SECTION, THE COMMISSION
5 SHALL INCLUDE REQUIREMENTS SPECIFIC TO ELECTRONIC NOTICE IN ITS
6 REGULATIONS.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2002.