Unofficial Copy 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

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## 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
- amounts to certain persons under a certain circumstance; requiring the Public
- Service Commission to adopt certain regulations, and requiring the inclusion of
- certain regulations under a certain circumstance; specifying the inapplicability
- of certain provisions of law to interexchange telecommunications carriers;
- defining a certain term; and generally relating to certain rights of certain
- 15 customers of interexchange telecommunications carriers.

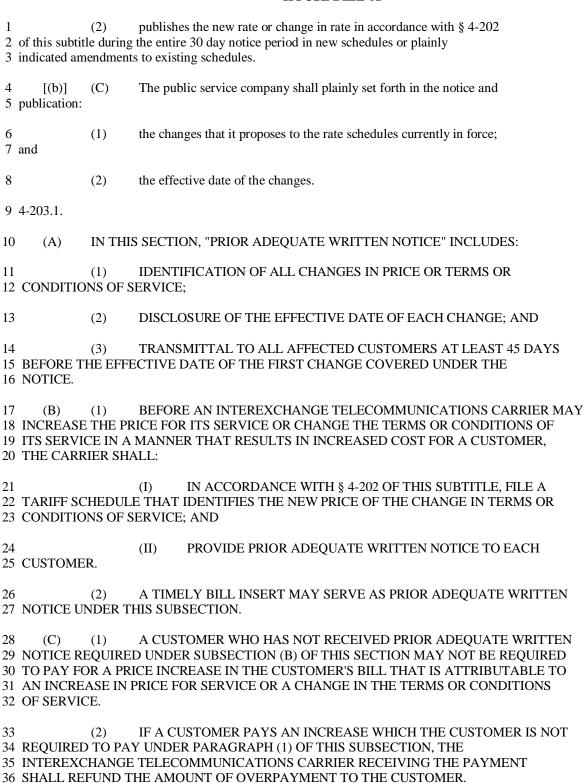
### 16 BY renumbering

- 17 Article Public Utility Companies
- 18 Section 1-101(o) through (pp), respectively
- 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

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1 2	Annotated Code of Maryland (1998 Volume and 2001 Supplement)
5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1-101(o) through (pp), respectively, of Article - Public Utility Companies of the Annotated Code of Maryland be renumbered to be Section(s) 1-101(p) through (qq), respectively.
7 8	SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:
9	Article - Public Utility Companies
10	1-101.
	(O) (1) "INTEREXCHANGE TELECOMMUNICATIONS CARRIER" MEANS A PERSON THAT PROVIDES INTRASTATE INTEREXCHANGE TELECOMMUNICATIONS SERVICES, AS A PUBLIC SERVICE COMPANY, TELEPHONE COMPANY, OR OTHERWISE
14 15	(2) "INTEREXCHANGE TELECOMMUNICATIONS CARRIER" INCLUDES A PERSON THAT:
	(I) PROVIDES SERVICES BY USE OF FACILITIES THAT IT OWNS LEASES, CONTROLS, OPERATES, OR MANAGES, INCLUDING LEASED PRIVATE LINES OR SPECIAL ACCESS FACILITIES; OR
19 20	(II) RESELLS SWITCHED SERVICES PROVIDED BY OTHER INTEREXCHANGE CARRIERS.
	(3) "INTEREXCHANGE TELECOMMUNICATIONS CARRIER" DOES NOT INCLUDE A COMMERCIAL MOBILE RADIO SERVICE PROVIDER, AS DEFINED UNDER FEDERAL LAW.
24	3-210.
27	NOTWITHSTANDING ANY CONTRACTUAL PROVISION TO THE CONTRARY, A CUSTOMER OF AN INTEREXCHANGE TELECOMMUNICATIONS CARRIER SHALL HAVE STANDING TO BRING SUIT AGAINST THE CARRIER IN ANY STATE COURT OF APPROPRIATE JURISDICTION.
29	4-203.
30 31	(a) THIS SECTION DOES NOT APPLY TO AN INTEREXCHANGE TELECOMMUNICATIONS CARRIER.
32 33	(B) Unless otherwise ordered by the Commission, a public service company may not establish a new rate or change in rate unless the public service company:
34 35	(1) provides to the Commission notice of the new rate or change in rate

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- $1 \quad (D) \quad (1) \quad \text{THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE } \\ 2 \quad \text{PROVISIONS OF THIS SECTION.}$
- 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.