
By: **Delegate Frush**
Introduced and read first time: February 14, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Telephone Companies - Universal Directory Service**

3 FOR the purpose of requiring a local exchange carrier to provide competing providers
4 nondiscriminatory access to its telephone numbers, directory assistance, and
5 directory listings services, including certain databases, at certain rates;
6 requiring a local exchange carrier to include in its directory assistance and
7 directory listings databases the telephone numbers of customers of competing
8 providers on a nondiscriminatory basis under certain circumstances; requiring a
9 local exchange carrier to provide to any person seeking directory assistance or
10 directory listings services certain telephone numbers on a nondiscriminatory
11 basis; requiring a competing provider to provide the telephone numbers to the
12 local exchange carrier in accordance with a certain schedule; requiring the
13 Public Service Commission to adopt certain regulations; providing a certain
14 right of private action to enforce the provisions of this Act; providing that the
15 failure of a local exchange carrier to include in its directory assistance and
16 directory listings databases the telephone number of a customer of a competing
17 provider creates a certain presumption; providing that the failure of a competing
18 provider to provide certain telephone numbers to the local exchange carrier in
19 accordance with a certain schedule creates a certain presumption; defining
20 certain terms; and generally relating to telephone companies and directory
21 service.

22 BY adding to
23 Article - Public Utility Companies
24 Section 8-206
25 Annotated Code of Maryland
26 (1998 Volume and 2001 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Public Utility Companies

2 8-206.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "COMPETING PROVIDER" MEANS A CARRIER THAT COMPETES WITH
6 OTHER LOCAL EXCHANGE CARRIERS.

7 (3) "LOCAL EXCHANGE CARRIER" MEANS A PROVIDER OF TELEPHONE
8 EXCHANGE SERVICES AND TELEPHONE TOLL SERVICES.

9 (4) "TELEPHONE NUMBER" DOES NOT INCLUDE AN UNLISTED OR
10 UNPUBLISHED NUMBER.

11 (B) (1) A LOCAL EXCHANGE CARRIER SHALL PROVIDE TO COMPETING
12 PROVIDERS NONDISCRIMINATORY ACCESS TO ITS TELEPHONE NUMBERS,
13 DIRECTORY ASSISTANCE, AND DIRECTORY LISTINGS SERVICES, INCLUDING ITS
14 DIRECTORY DATABASES, AT NONDISCRIMINATORY AND REASONABLE RATES.

15 (2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A LOCAL
16 EXCHANGE CARRIER SHALL INCLUDE IN ITS DIRECTORY ASSISTANCE AND
17 DIRECTORY LISTINGS DATABASES THE TELEPHONE NUMBERS OF CUSTOMERS OF
18 COMPETING PROVIDERS ON A NONDISCRIMINATORY BASIS.

19 (3) A LOCAL EXCHANGE CARRIER SHALL PROVIDE TO ANY PERSON
20 SEEKING DIRECTORY ASSISTANCE OR DIRECTORY LISTINGS SERVICE THE
21 TELEPHONE NUMBERS OF CUSTOMERS OF COMPETING PROVIDERS ON A
22 NONDISCRIMINATORY BASIS.

23 (4) A COMPETING PROVIDER SHALL PROVIDE THE TELEPHONE
24 NUMBERS OF ITS CUSTOMERS TO THE LOCAL EXCHANGE CARRIER IN ACCORDANCE
25 WITH THE SAME DIRECTORY CLOSE SCHEDULE, IF ANY, THAT APPLIES TO THE LOCAL
26 EXCHANGE CARRIER FOR ITS OWN CUSTOMERS' TELEPHONE NUMBERS.

27 (C) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE THAT LOCAL
28 EXCHANGE CARRIERS AND COMPETING PROVIDERS COMPLY WITH THIS SECTION.

29 (D) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE
30 COMMISSION MAY ORDER A LOCAL EXCHANGE CARRIER OR COMPETING PROVIDER
31 THAT VIOLATES THIS SECTION OR A REGULATION ADOPTED UNDER SUBSECTION (C)
32 OF THIS SECTION TO PAY TO A CUSTOMER OF A LOCAL EXCHANGE CARRIER OR
33 CUSTOMER OF A COMPETING PROVIDER WHO IS THE SUBJECT OF THE VIOLATION A
34 CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH DAY THAT THE VIOLATION
35 OCCURRED AND REASONABLE ATTORNEY'S FEES.

36 (2) THE CIVIL PENALTY ASSESSED UNDER PARAGRAPH (1) OF THIS
37 SUBSECTION MAY BE IMPOSED:

1 (I) IN ADDITION TO ANY OTHER ACTIONS BY THE COMMISSION IN
2 ACCORDANCE WITH THIS ARTICLE; AND

3 (II) IN ADDITION TO OR IN PLACE OF ANY CIVIL PENALTIES THAT
4 THE COMMISSION MAY IMPOSE UNDER §§ 13-201 AND 13-201.1 OF THIS ARTICLE.

5 (3) IF A CUSTOMER OF A LOCAL EXCHANGE CARRIER OR CUSTOMER OF
6 A COMPETING PROVIDER RECOVERS A CIVIL PENALTY UNDER SUBSECTION (E)(1)(II)1
7 OF THIS SECTION FOR A VIOLATION, THE COMMISSION MAY NOT ORDER THE LOCAL
8 EXCHANGE CARRIER OR COMPETING PROVIDER TO PAY A CIVIL PENALTY UNDER
9 PARAGRAPH (1) OF THIS SUBSECTION FOR THE SAME VIOLATION.

10 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN ADDITION TO
11 ANY ACTIONS TAKEN BY THE COMMISSION UNDER THIS ARTICLE, A CUSTOMER OF A
12 LOCAL EXCHANGE CARRIER OR A CUSTOMER OF A COMPETING PROVIDER MAY:

13 (I) BRING AN ACTION AGAINST A LOCAL EXCHANGE CARRIER OR
14 COMPETING PROVIDER FOR A VIOLATION OF THIS SECTION OR THE REGULATIONS
15 ADOPTED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION; AND

16 (II) RECOVER AS A PART OF THE JUDGMENT REASONABLE
17 ATTORNEY'S FEES AND:

18 1. A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH DAY
19 THAT THE VIOLATION OCCURRED; OR

20 2. ACTUAL DAMAGES.

21 (2) IF THE COMMISSION HAS ORDERED PAYMENT OF A CIVIL PENALTY
22 UNDER SUBSECTION (D) OF THIS SECTION TO A CUSTOMER OF A LOCAL EXCHANGE
23 CARRIER OR A CUSTOMER OF A COMPETING PROVIDER FOR A VIOLATION OF THIS
24 SECTION OR THE REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION,
25 THE CUSTOMER MAY NOT RECOVER A CIVIL PENALTY UNDER PARAGRAPH (1)(II)1 OF
26 THIS SUBSECTION FOR THE SAME VIOLATION.

27 (F) THE FAILURE OF A LOCAL EXCHANGE CARRIER TO INCLUDE IN ITS
28 DIRECTORY ASSISTANCE AND DIRECTORY LISTINGS DATABASES THE TELEPHONE
29 NUMBER OF A CUSTOMER OF A COMPETING PROVIDER CREATES A REBUTTABLE
30 PRESUMPTION THAT THE LOCAL EXCHANGE CARRIER HAS VIOLATED THIS SECTION
31 AND THE REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION.

32 (G) THE FAILURE OF A COMPETING PROVIDER TO PROVIDE THE TELEPHONE
33 NUMBERS OF ITS CUSTOMERS TO THE LOCAL EXCHANGE CARRIER IN ACCORDANCE
34 WITH THE SAME DIRECTORY CLOSE SCHEDULE, IF ANY, THAT APPLIES TO THE LOCAL
35 EXCHANGE CARRIER FOR ITS OWN CUSTOMERS' TELEPHONE NUMBERS CREATES A
36 REBUTTABLE PRESUMPTION THAT THE COMPETING PROVIDER HAS VIOLATED THIS
37 SECTION AND THE REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS
38 SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2002.