

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 336
Finance

(Senators Teitelbaum and Kelley)

Telephone Companies - Universal Directory Service

This bill requires access to and exchange of information between a local exchange carrier and competing providers to ensure that telephone numbers, directory listings services, and directory assistance are comprehensive and available on a nondiscriminatory basis. The Public Service Commission (PSC) is required to adopt regulations to ensure compliance and penalties are provided for specified violations.

Fiscal Summary

State Effect: The bill would not materially affect the operations and finances of the Public Service Commission.

Local Effect: None.

Small Business Effect: None. It is not expected that competing providers will be small businesses.

Analysis

Bill Summary: A local exchange carrier must provide to competing providers nondiscriminatory access to its telephone numbers, directory assistance, and directory listings services, including directory databases, at nondiscriminatory and reasonable rates. The local carrier must also include in its directory assistance and listings databases the telephone numbers of the customers of competing providers, if the information is provided in accordance with an established schedule, and provide the numbers of customers of competing providers on a nondiscriminatory basis to any person seeking directory assistance.

PSC must adopt regulations to ensure compliance with these provisions.

Under specified conditions, in addition to any other PSC actions or civil penalties, a local carrier or competing provider may be ordered to pay a civil penalty up to \$1,000 per day to a customer who is the subject of a violation.

In addition to any PSC action, a customer may also bring an action against a local carrier or competing provider and recover reasonable attorney's fees, and up to \$1,000 for each day the violation occurred, or actual damages. However, the customer may only recover civil penalties one time for the same violation.

If the local carrier fails to include the telephone number of a competing provider customer in its directory assistance or listings databases, it is considered a rebuttable presumption of a violation. Likewise, if a competing provider fails to provide to a local carrier the telephone numbers of its customers according to a specified schedule, that also is considered a rebuttable presumption of a violation.

Current Law: There are currently no statutory or regulatory provisions governing the exchange of directory information between a local carrier and competing providers. The Federal Communications Commission (FCC) has ruled that local exchange carriers must provide competing directory assistance providers with nondiscriminatory access to their local directories at reasonable rates. Additionally, PSC has issued an order providing that customers have access to complete directories with comprehensive listing in their calling area and that the incumbent local exchange carrier should provide this service. PSC is authorized to impose civil penalties for violations. Those penalties are paid into the general fund.

Background: The federal Telecommunications Reform Act of 1996 was the first major overhaul of telecommunications law in 62 years. The intent of the Act is "to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition." As the telecommunications industry continues in a transition from regulated monopoly to competitive marketplace, state and federal laws and regulations continue to shape that transition in an effort to achieve the intent of the Act.

Additional Information

Prior Introductions: This bill was introduced as HB 1279 in 2002 and received an unfavorable report from the House Environmental Matters Committee.

Cross File: None designated, but HB 289 is identical.

Information Source(s): Public Service Commission, Office of People's Counsel,
Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2003
lc/jr

Analysis by: Karen S. Benton

Direct Inquiries to:
(410) 946-5510
(301) 970-5510