

BY: Finance Committee

AMENDMENTS TO SENATE BILL 864
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Internet Protocol-Enabled Service”; strike beginning with “and” in line 4 down through “services” in line 5 and substitute “requiring a certain company that moves a customer from a certain service to a voice over Internet protocol service to provide the consumer with a certain notification; requiring the Department of Business and Economic Development and the Commission, with input from certain agencies, to report to the General Assembly by a certain date on the status of a certain deployment; requiring the Commission, with input from certain agencies, to track certain consumer complaints; authorizing the Commission, under certain circumstances, to report certain findings and recommendations to the General Assembly”; in line 6, strike “certain terms” and substitute “a certain term”; strike beginning with the second “and” in line 6 down through “service” in line 7; and in line 11, strike “and Internet Protocol-Enabled Service”.

AMENDMENT NO. 2

On page 1, in lines 17 and 18, strike “**AND INTERNET PROTOCOL-ENABLED SERVICE**”.

On page 2, strike in their entirety lines 1 through 8, inclusive, and substitute “**IN THIS SUBTITLE:**”; in line 9, strike “(C)”; in lines 9 and 16, in each instance, strike “**VOICE**” and substitute “**VOICE**”; in line 12, after “**ORIGINATE**” insert “**FROM**”; in the same line, strike “**USING**” and substitute “**TO THE SUBSCRIBER END USER’S LOCATION REQUIRING**”; in line 13, strike “A” and substitute “**ANY**”; in the same line, strike “**FORMAT**” and substitute “**PROTOCOL TO INTERNET PROTOCOL**”; in line 14, strike “**USES**” and substitute “**REQUIRES**”; in line 15, strike the period and substitute “**;** **AND**”; in line 17, after “**ANY**” insert “**SUCH**”; in line 23, strike “**OR IP-ENABLED**”.

(Over)

SERVICE”; in lines 28 and 29, strike “OR IP-ENABLED SERVICE”; and after line 29, insert:

“(2) REQUIRE OR PROHIBIT THE ASSESSMENT OF FEES FOR TELECOMMUNICATIONS RELAY SERVICE UNDER TITLE 3, SUBTITLE 8 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;”.

On page 3, in line 1, strike “(2)” and substitute “(3)”; in line 3, strike “OR”; in line 4, strike “(3)” and substitute “(4)”; and in line 7, after “JURISDICTION” insert “;

(5) EXEMPT VOIP SERVICE FROM GENERALLY APPLICABLE STATE AND FEDERAL LAWS RELATING TO PUBLIC SAFETY, CONSUMER PROTECTION, AND UNFAIR AND DECEPTIVE TRADE PRACTICES, OR TO EXEMPT VOIP SERVICE FROM THE PURVIEW OF THE DIVISION OF CONSUMER PROTECTION IN THE OFFICE OF THE ATTORNEY GENERAL; OR

(6) REMOVE THE COMMISSION’S JURISDICTION OVER CIRCUIT SWITCHED LOCAL EXCHANGE ACCESS SERVICE.

(C) A COMPANY THAT MOVES A CUSTOMER FROM A COMMISSION-APPROVED TARIFF SERVICE TO VOIP SERVICE SHALL NOTIFY THE CUSTOMER THAT THE COMMISSION DOES NOT HAVE JURISDICTION OVER THE REGULATION OF VOIP SERVICE AND THAT VOIP SERVICE IS UNDER THE PURVIEW OF THE DIVISION OF CONSUMER PROTECTION IN THE OFFICE OF THE ATTORNEY GENERAL”.

AMENDMENT NO. 3

On page 3, after line 7 insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act authorizes a company to move a customer from a service the customer ordered under a tariff approved by the Public Service Commission to another service that may be tarified or nontarified unless:

(1) the customer consents; or

(2) the service the customer ordered under a Commission-approved tariff is discontinued with the approval of the Commission.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2010, the Department of Business and Economic Development and the Public Service Commission, with input from the Office of the Attorney General and other appropriate agencies as necessary, shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the status of the deployment of Internet Protocol-enabled services, including VoIP services, in Maryland and the status of any federal legislation or regulatory proceedings before the Federal Communications Commission relating to Internet Protocol-enabled services.

SECTION 4. AND BE IT FURTHER ENACTED, That, the Public Service Commission, with input from the Office of the Attorney General and the Office of People’s Counsel, shall track the number of consumer complaints received by those State agencies regarding the provision of VoIP services in Maryland, including consumer complaints related to service outages, terminations without consumer consent, poor service, or billing disputes. If, at any time, the Commission determines that additional consumer protections may be necessary for the public interest based on consumer complaints or that a substantial number of consumers lack alternatives for voice service, including regulated voice services offered under Commission-approved tariffs or VoIP service offered by other providers, the Commission on its own initiative may report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article.”;

(Over)

and in line 8, strike “2.” and substitute “5.”.