

SENATE BILL 864

C5

(71r2991)

ENROLLED BILL

— *Finance/Economic Matters* —

Introduced by **Senator Middleton**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Voice Over Internet Protocol Service ~~and Internet Protocol Enabled Service~~**

3 FOR the purpose of providing that the Public Service Commission does not have
4 jurisdiction over certain voice over Internet protocol services ~~and Internet~~
5 ~~protocol-enabled services~~; requiring a certain company that moves a customer
6 from a certain service to a voice over Internet protocol service to provide the
7 consumer customer with a certain notification; requiring the Department of
8 Business and Economic Development and the Commission, with input from
9 certain agencies, to report to the General Assembly by a certain date on the
10 status of a certain deployment; requiring the Commission, with input from
11 certain agencies, to track certain consumer complaints; authorizing the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 Commission, under certain circumstances, to report certain findings and
 2 recommendations to the General Assembly; providing for the construction of
 3 this Act; defining ~~certain terms~~ a certain term; and generally relating to voice
 4 over Internet protocol service and Internet protocol-enabled service.

5 BY adding to

6 Article – Public Utility Companies

7 Section 8–601 and 8–602 to be under the new subtitle “Subtitle 6. Voice over
 8 Internet Protocol Service ~~and Internet Protocol-Enabled Service~~”

9 Annotated Code of Maryland

10 (1998 Volume and 2006 Supplement)

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

13 **Article – Public Utility Companies**

14 **SUBTITLE 6. VOICE OVER INTERNET PROTOCOL SERVICE ~~AND INTERNET~~**
 15 **~~PROTOCOL-ENABLED SERVICE.~~**

16 **8–601.**

17 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
 18 ~~INDICATED:~~

19 ~~(B) “INTERNET PROTOCOL-ENABLED SERVICE” OR “IP-ENABLED~~
 20 ~~SERVICE” MEANS ANY SERVICE, CAPABILITY, FUNCTIONALITY, OR APPLICATION~~
 21 ~~PROVIDED USING INTERNET PROTOCOL OR ANY SUCCESSOR PROTOCOL THAT~~
 22 ~~ENABLES AN END USER TO SEND OR RECEIVE A COMMUNICATION IN IP FORMAT~~
 23 ~~OR ANY SUCCESSOR FORMAT, REGARDLESS OF WHETHER THE COMMUNICATION~~
 24 ~~IS VOICE, DATA, OR VIDEO. IN THIS SUBTITLE:~~

25 ~~(C) (1) “VOICE VOICE OVER INTERNET PROTOCOL SERVICE” OR~~
 26 ~~“VOIP SERVICE” MEANS ANY SERVICE THAT:~~

27 (I) ENABLES REAL-TIME TWO-WAY VOICE
 28 COMMUNICATIONS THAT ORIGINATE FROM OR TERMINATE USING TO THE
 29 SUBSCRIBER END USER’S LOCATION REQUIRING INTERNET PROTOCOL OR A ANY
 30 SUCCESSOR ~~FORMAT~~ PROTOCOL TO INTERNET PROTOCOL; AND

1 (II) ~~USES~~ REQUIRES A BROADBAND CONNECTION FROM THE
 2 USER'S LOCATION; ~~AND~~

3 (2) ~~"VOICE~~ VOICE OVER INTERNET PROTOCOL SERVICE" OR
 4 "VOIP SERVICE" INCLUDES ANY SUCH SERVICE THAT PERMITS USERS
 5 GENERALLY TO RECEIVE CALLS THAT ORIGINATE ON THE PUBLIC SWITCHED
 6 TELEPHONE NETWORK AND TO TERMINATE CALLS TO THE PUBLIC SWITCHED
 7 TELEPHONE NETWORK.

8 **8-602.**

9 (A) THE COMMISSION DOES NOT HAVE JURISDICTION OVER THE
 10 REGULATION OF VOIP SERVICE ~~OR IP-ENABLED SERVICE~~, INCLUDING THE
 11 IMPOSITION OF REGULATORY FEES, CERTIFICATION REQUIREMENTS, AND THE
 12 FILING OR APPROVAL OF TARIFFS.

13 (B) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO:

14 (1) REQUIRE OR PROHIBIT THE ASSESSMENT OF 9-1-1 FEES IN
 15 ACCORDANCE WITH § 1-310 OF THE PUBLIC SAFETY ARTICLE ON VOIP ~~OR~~
 16 ~~IP-ENABLED SERVICE;~~

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

20 ~~(2)~~ (3) REQUIRE OR PROHIBIT THE PAYMENT OF ANY
 21 SWITCHED NETWORK ACCESS RATES OR OTHER INTERCARRIER COMPENSATION
 22 RATES THAT MAY BE DETERMINED TO APPLY; ~~OR~~

23 ~~(3)~~ (4) RELIEVE A COMPANY THAT IS OTHERWISE SUBJECT TO §
 24 8-201 OF THIS TITLE OF ITS OBLIGATION TO PROVIDE TELEPHONE LIFELINE
 25 SERVICE OVER LOCAL EXCHANGE ACCESS LINES THAT ARE SUBJECT TO THE
 26 COMMISSION'S JURISDICTION;

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

1 **(6) REMOVE THE COMMISSION'S JURISDICTION OVER CIRCUIT**
2 **SWITCHED LOCAL EXCHANGE ACCESS SERVICE.**

3 **(C) A COMPANY THAT MOVES A CUSTOMER FROM A**
4 **COMMISSION-APPROVED TARIFF SERVICE TO VOIP SERVICE SHALL NOTIFY**
5 **THE CUSTOMER THAT THE COMMISSION DOES NOT HAVE JURISDICTION OVER**
6 **THE REGULATION OF VOIP SERVICE AND THAT *COMPLAINTS ABOUT VOIP***
7 **SERVICE ~~IS UNDER THE PURVIEW OF~~ *MAY BE FILED WITH THE DIVISION OF***
8 **CONSUMER PROTECTION IN THE OFFICE OF THE ATTORNEY GENERAL.**

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

13 (1) the customer consents; or

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

16 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,
17 2010, the Department of Business and Economic Development and the Public Service
18 Commission, with input from the Office of the Attorney General and other appropriate
19 agencies as necessary, shall report to the General Assembly, in accordance with §
20 2-1246 of the State Government Article, on the status of the deployment of Internet
21 Protocol-enabled services, including VoIP services, in Maryland and the status of any
22 federal legislation or regulatory proceedings before the Federal Communications
23 Commission relating to Internet Protocol-enabled services.

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

1 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.