

# HOUSE BILL 48

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EMERGENCY BILL  
(PRE-FILED)

4lr0409

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By: **Delegate A. Kelly**

Requested: August 14, 2013

Introduced and read first time: January 8, 2014

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Wireless Landline Telephone Service – Prohibition and Study**

3 FOR the purpose of prohibiting certain telephone companies from replacing a landline  
4 or wireline telephone service to a customer with certain wireless telephone  
5 service subject to certain exceptions; prohibiting the Public Service Commission  
6 from authorizing certain telephone companies to replace a landline or wireline  
7 telephone service to a customer with wireless telephone service subject to  
8 certain exceptions; authorizing certain telephone companies to replace a  
9 landline or wireline telephone service to a customer with wireless telephone  
10 service if the telephone companies have received written consent from the  
11 customer or have received authorization from the Commission based on a  
12 certain event; requiring certain telephone companies to submit a report to the  
13 Commission on or before a certain date regarding the effect of replacing a  
14 landline or a wireline telecommunications network with a wireless system;  
15 requiring the Commission to study and make recommendations, based on a  
16 certain report and other information, regarding the effect of replacing a landline  
17 or a wireline telecommunications network with a wireless system; requiring the  
18 Commission to report its findings and recommendations to the Governor and  
19 the General Assembly on or before a certain date; providing for the termination  
20 of this Act; making this Act an emergency measure; and generally relating to  
21 the replacement of a landline or wireline telephone service with a wireless  
22 telephone service.

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That:

25 (a) This section applies to a telephone company that provides switched local  
26 exchange access service using its own plant.

27 (b) Except as provided in subsection (c) of this section:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (1) a telephone company may not replace landline or wireline  
2 telephone service to a customer with wireless telephone service; and

3           (2) the Public Service Commission may not authorize a telephone  
4 company to replace landline or wireline telephone service to a customer with wireless  
5 telephone service.

6           (c) A telephone company may replace landline or wireline telephone service  
7 to a customer with wireless telephone service if:

8           (1) the customer that has received notice of the proposed replacement  
9 from the telephone company and has consented in writing to the replacement on a  
10 form that the Public Service Commission authorizes; or

11           (2) the Commission authorizes a telephone company to take action on  
12 a temporary or permanent basis in response to a weather-related or natural event or  
13 emergency.

14           (d) On or before July 1, 2014, each telephone company shall submit a report  
15 to the Public Service Commission that includes:

16           (1) a statement of the number of customers served by wireless landline  
17 telephone service in Maryland or in other states;

18           (2) a description of the extent of customer acceptance in Maryland or  
19 in other states of wireless landline telephone service as an alternative to traditional  
20 switched local exchange access service;

21           (3) an assessment of the quality and reliability of wireless landline  
22 telephone service in Maryland or in other states, based on trouble reports, outages,  
23 and repair intervals;

24           (4) a description of performance in Maryland or in other states during  
25 commercial power outages;

26           (5) a description of the impact on customers' access to 9-1-1 services  
27 in Maryland or in other states;

28           (6) a statement of the costs associated with providing wireless landline  
29 telephone service in Maryland or in other states;

30           (7) a description of customer complaints and customer satisfaction  
31 related to the provision of wireless landline telephone service in Maryland or in other  
32 states; and

1           (8) any other information that would be useful to the Commission in  
2 evaluating the need for modifications to wireless landline telephone service and the  
3 advantages and disadvantages of wireless landline telephone service as an alternative  
4 to landline or wireline service.

5           (e) (1) The Public Service Commission shall review any reports submitted  
6 under subsection (d) of this section and shall study other relevant information to  
7 determine:

8                   (i) how the replacement of landline or wireline service with  
9 wireless service affects or impacts the ability of:

10                           1. the telephone company to provide adequate, efficient,  
11 proper, reliable, and sufficient service;

12                           2. the telephone company to provide customer access to  
13 service options such as Internet access;

14                           3. other service providers, including alarm monitoring  
15 companies and home health monitoring equipment providers, to provide services to  
16 individuals and businesses;

17                           4. deaf and hard-of-hearing consumers to access  
18 services; and

19                           5. the telephone company to provide reliable service to  
20 public safety or law enforcement agencies during normal operating conditions,  
21 extreme weather conditions, and power outages;

22                   (ii) how the replacement of landline or wireline service with  
23 wireless service affects or impacts the reliability of the network and the rates that a  
24 telephone company charges;

25                   (iii) whether the replacement of landline or wireline service with  
26 wireless service unduly or unreasonably prejudices or disadvantages customers whose  
27 service has been replaced; and

28                   (iv) what, if any, plans a telephone company has identified in the  
29 report required under subsection (d) of this section for future development of wireless  
30 landline telephone service in the State.

31           (2) On or before December 31, 2014, the Commission shall submit the  
32 results of the study to the Governor and, in accordance with § 2-1246 of the State  
33 Government Article, the General Assembly.

34           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
35 measure, is necessary for the immediate preservation of the public health or safety,

1 has been passed by a yea and nay vote supported by three-fifths of all the members  
2 elected to each of the two Houses of the General Assembly, and shall take effect from  
3 the date it is enacted. It shall remain effective through June 30, 2015, and, at the end  
4 of June 30, 2015, with no further action required by the General Assembly, this Act  
5 shall be abrogated and of no further force and effect.