

1 HB155
2 156371-3
3 By Representative Hill
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 14-JAN-14

1 commission shall not require the carriers to unbundle in a
2 manner that exceeds in degree or differs in kind from the
3 unbundling requirements of the Federal Communications
4 Commission.

5 ~~"(2) Nothing in this chapter shall be construed to~~
6 ~~limit or expand the duties of incumbent local exchange~~
7 ~~carriers to provide unbundled access to network elements to~~
8 ~~the extent required under 47 U.S.C. Sections 251, 252, and 271~~
9 ~~and the Federal Communications Commission's regulations~~
10 ~~implementing these sections, or the commission's authority to~~
11 ~~arbitrate and enforce interconnection agreements pursuant to~~
12 ~~47 U.S.C. Sections 251 and 252 and the Federal Communications~~
13 ~~Commission's regulations implementing these sections.~~

14 "(2) Nothing in this section shall be construed to:

15 "a. Affect any entity's obligations under 47 U.S.C.
16 Sections 251 and 252 or a right granted to an entity by these
17 sections.

18 "b. Affect any applicable wholesale tariff.

19 "c. Grant, modify, or affect the authority of the
20 commission to implement, carry out, or enforce the rights or
21 obligations provided by 47 U.S.C. Sections 251 and 252, or of
22 an applicable wholesale tariff or law, regulation, or order
23 related to wholesale rights, duties, and obligations,
24 consistent with federal law and Federal Communications
25 Commission requirements, through arbitration proceedings or
26 other available mechanisms and procedures.

1 "(c) Once a telecommunications service, a bundled
2 offering, or a contract offering is no longer subject to the
3 general jurisdiction of the commission as prescribed below,
4 the commission shall nevertheless retain exclusive complaint
5 jurisdiction for the telecommunications services provided,
6 either as stand-alone services or as part of a bundled
7 offering or contract offering, for complaints arising out of
8 any of the following:

9 "(1) Inaccurate billing for telecommunications
10 services.

11 "(2) Billing of telecommunications services not
12 ordered by or on behalf of the customer.

13 "(3) The establishment or disruption of
14 telecommunications service.

15 "The commission may only interpret and enforce the
16 terms and conditions of the underlying agreements or contracts
17 for telecommunications services. The commission shall not have
18 the power to set the agreement aside or alter its terms or
19 conditions, either directly or indirectly. No person or entity
20 other than the customer and his or her representative, the
21 carrier, and the Attorney General may participate in these
22 complaint proceedings before the commission. The jurisdiction
23 of the commission with respect to these retail issues shall
24 extend to formal and informal complaints and may include the
25 resolution thereof through alternative dispute resolution
26 procedures including mediation with any mediator to be chosen
27 by the commission. With respect to retail billing

1 requirements, after August 1, 2005, the commission shall
2 enforce only the Truth in Billing regulations prescribed by
3 the Federal Communications Commission and those rules
4 developed by the commission to support Truth in Billing
5 requirements as authorized by the Federal Communications
6 Commission.

7 "(4) The provision of call blocking of number
8 delivery and line blocking of number delivery in order to
9 protect the confidentiality of victims of domestic violence,
10 domestic violence shelters, or affiliated professionals
11 certified by the Alabama Coalition Against Domestic Violence
12 to be in need of blocking.

13 "(d) Beginning August 1, 2006, the commission shall
14 not have any jurisdiction, right, power, authority, or duty to
15 regulate, supervise, control, oversee, or monitor, directly or
16 indirectly, the costs, rates, charges, terms, or conditions
17 for any new bundled offering or the number or types of
18 communications services that comprise a new bundled offering,
19 but may continue to regulate, supervise, control, oversee, or
20 monitor existing bundled offerings.

21 "(e) Beginning August 1, 2006, the commission shall
22 not have any jurisdiction, right, power, authority, or duty to
23 regulate, supervise, control, oversee, or monitor, directly or
24 indirectly, the costs, rates, charges, terms, or conditions of
25 any new contract offering, but it shall retain jurisdiction
26 over existing contract offerings for the duration of the

1 existing contract offering, unless otherwise agreed to by the
2 affected customer.

3 "(f) Beginning February 1, 2007, the commission
4 shall exercise its jurisdiction, right, power, authority, or
5 duty to regulate, supervise, control, oversee, and monitor
6 basic telephone service and optional telephone features as
7 prescribed in Section 37-2A-8.

8 "(g) Beginning February 1, 2007, the commission
9 shall not have any jurisdiction, right, power, authority, or
10 duty to regulate, supervise, control, oversee, or monitor,
11 directly or indirectly, any retail telecommunications services
12 and any existing bundled offering, except as provided in
13 subsections (e) and (f) and Section 37-2A-7, nor shall it have
14 any jurisdiction, right, power, authority, or duty to
15 regulate, supervise, control, oversee, or monitor, directly or
16 indirectly, the facilities used to provide such retail
17 telecommunications services or bundled offerings.

18 "(h) Tariffs for the services remaining subject to
19 the commission's jurisdiction under subsections (d) and (e)
20 shall remain valid and in effect until (1) the date on which
21 the commission's jurisdiction ceases as contemplated in
22 subsection (g), and (2) until the last existing contract
23 offering has expired or has been replaced by a new contract
24 offering, respectively. The relevant carrier shall notify the
25 commission in writing of the expiration or replacement of the
26 last existing contract offering, identifying the expiration
27 date for the relevant tariffs, after which date the tariffs

1 shall be null and void and of no further force or effect.
2 Except as set forth above, the tariffs for those services no
3 longer subject to the commission's authority pursuant to
4 subsection (g) shall be null and void and of no further force
5 or effect from and after the date on which such jurisdiction
6 ceases.

7 "(i) The commission shall not impose or establish
8 information or reporting requirements or a uniform system of
9 accounts on any carrier that is subject to this chapter that
10 exceeds in degree or differs in kind from the requirements of
11 the Federal Communications Commission.

12 "(j) Prior to January 1, 2006, each person,
13 corporation, or other entity that provides telephone service
14 in this state shall file a plan with the commission setting
15 forth in detail how such person, corporation, or other entity
16 will protect the confidentiality of the address or location of
17 family violence shelters, as defined in Section 30-6-1, in
18 this state. The persons, corporations, and other entities
19 shall update the plans at least every 24 months. The original
20 and updated plans shall be approved by the commission within a
21 reasonable time upon a determination that the plans are
22 reasonably effective in identifying the family violence
23 shelters in the state and in maintaining the confidentiality
24 of the location and address of family violence shelters. If
25 the commission determines that a plan is inadequate, it shall
26 state the basis on which the plan was determined to be
27 inadequate and shall allow the person, corporation, or other

1 entity filing the plan a period of not more than 30 days to
2 file a revised plan that is acceptable to the commission. The
3 plans shall not be open to examination by the public. Within
4 three days of filing original plans or updates with the
5 commission, each person, corporation, or other entity subject
6 to this subsection shall submit a copy of all original plans,
7 updated plans, and revised plans to the Alabama Coalition
8 Against Domestic Violence, which is authorized to provide
9 comments concerning the plans to the commission in order to
10 aid in review and approval of the plans. The filing or
11 approval of the plans shall not in any manner be a defense to
12 any action or complaint.

13 "(k) After the effective date of the act adding this
14 subsection, subdivisions (1), (2), and (3) of subsection (c)
15 shall not apply to retail telecommunications services offered
16 by telecommunications carriers operating pursuant to this
17 chapter, if the carrier files a written election with the
18 commission to be removed from the commission's complaint and
19 dispute jurisdiction as provided in such subdivisions. Such
20 election shall be effective immediately upon filing, and may
21 be changed by the carrier no more than once a year."

22 Section 2. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Transportation,
Utilities and Infrastructure 14-JAN-14

Read for the second time and placed
on the calendar 1 amendment 22-JAN-14

Read for the third time and passed
as amended..... 11-FEB-14

Yeas 86, Nays 5, Abstains 1

Jeff Woodard
Clerk