

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

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ENROLLED, An Act,

To amend Section 37-2A-4, Code of Alabama 1975, relating to the jurisdiction of the Public Service Commission; to further provide for the construction of this section; and to specify that the commission would not have jurisdiction over certain customer complaints related to retail telecommunications services which are not otherwise regulated by the commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 37-2A-4, Code of Alabama 1975, is amended to read as follows:

"§37-2A-4.

"(a) Notwithstanding any provision of law to the contrary, the commission shall not have any jurisdiction, right, power, authority, or duty to regulate, supervise, control, oversee, or monitor, directly or indirectly, the rates, charges, classifications, provision, or any aspect of broadband service, broadband enabled services, VoIP services, or information services.

"(b) (1) The commission may require incumbent local exchange carriers to unbundle their networks, but the commission shall not require the carriers to unbundle in a manner that exceeds in degree or differs in kind from the

1 unbundling requirements of the Federal Communications Commission.

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

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

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

15 "b. Affect any applicable wholesale tariff.

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

24 "(c) Once a telecommunications service, a bundled  
25 offering, or a contract offering is no longer subject to the

1 general jurisdiction of the commission as prescribed below,  
 2 the commission shall nevertheless retain exclusive complaint  
 3 jurisdiction for the telecommunications services provided,  
 4 either as stand-alone services or as part of a bundled  
 5 offering or contract offering, for complaints arising out of  
 6 any of the following:

7 "(1) Inaccurate billing for telecommunications  
 8 services.

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

11 "(3) The establishment or disruption of  
 12 telecommunications service.

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

1 over existing contract offerings for the duration of the  
2 existing contract offering, unless otherwise agreed to by the  
3 affected customer.

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

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

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

1 commission in writing of the expiration or replacement of the  
2 last existing contract offering, identifying the expiration  
3 date for the relevant tariffs, after which date the tariffs  
4 shall be null and void and of no further force or effect.  
5 Except as set forth above, the tariffs for those services no  
6 longer subject to the commission's authority pursuant to  
7 subsection (g) shall be null and void and of no further force  
8 or effect from and after the date on which such jurisdiction  
9 ceases.

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

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

1 shelters in the state and in maintaining the confidentiality  
2 of the location and address of family violence shelters. If  
3 the commission determines that a plan is inadequate, it shall  
4 state the basis on which the plan was determined to be  
5 inadequate and shall allow the person, corporation, or other  
6 entity filing the plan a period of not more than 30 days to  
7 file a revised plan that is acceptable to the commission. The  
8 plans shall not be open to examination by the public. Within  
9 three days of filing original plans or updates with the  
10 commission, each person, corporation, or other entity subject  
11 to this subsection shall submit a copy of all original plans,  
12 updated plans, and revised plans to the Alabama Coalition  
13 Against Domestic Violence, which is authorized to provide  
14 comments concerning the plans to the commission in order to  
15 aid in review and approval of the plans. The filing or  
16 approval of the plans shall not in any manner be a defense to  
17 any action or complaint.

18 "(k) After the effective date of the act adding this  
19 subsection, subdivisions (1), (2), and (3) of subsection (c)  
20 shall not apply to retail telecommunications services offered  
21 by telecommunications carriers operating pursuant to this  
22 chapter, if the carrier files a written election with the  
23 commission to be removed from the commission's complaint and  
24 dispute jurisdiction as provided in such subdivisions. Such



1 election shall be effective immediately upon filing, and may  
2 be changed by the carrier no more than once a year."

3 Section 2. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 11-FEB-14, as amended.

Jeff Woodard  
Clerk

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Senate 20-FEB-14

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Passed