

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

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8 SYNOPSIS: This bill would specify that the Public
9 Service Commission would not have jurisdiction over
10 certain customer complaints related to retail
11 telecommunications services which are not otherwise
12 regulated by the commission.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 37-2A-4, Code of Alabama 1975,
19 relating to the jurisdiction of the Public Service Commission;
20 to specify that the commission would not have jurisdiction
21 over certain customer complaints related to retail
22 telecommunications services which are not otherwise regulated
23 by the commission.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§37-2A-4.

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

8 "(b) (1) The commission may require incumbent local
9 exchange carriers to unbundle their networks, but the
10 commission shall not require the carriers to unbundle in a
11 manner that exceeds in degree or differs in kind from the
12 unbundling requirements of the Federal Communications
13 Commission.

14 "(2) Nothing in this chapter shall be construed to
15 limit or expand the duties of incumbent local exchange
16 carriers to provide unbundled access to network elements to
17 the extent required under 47 U.S.C. Sections 251, 252, and 271
18 and the Federal Communications Commission's regulations
19 implementing these sections, or the commission's authority to
20 arbitrate and enforce interconnection agreements pursuant to
21 47 U.S.C. Sections 251 and 252 and the Federal Communications
22 Commission's regulations implementing these sections.

23 "(c) Once a telecommunications service, a bundled
24 offering, or a contract offering is no longer subject to the
25 general jurisdiction of the commission as prescribed below,
26 the commission shall nevertheless retain exclusive complaint
27 jurisdiction for the telecommunications services provided,

1 either as stand-alone services or as part of a bundled
2 offering or contract offering, for complaints arising out of
3 any of the following:

4 "(1) Inaccurate billing for telecommunications
5 services.

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

8 "(3) The establishment or disruption of
9 telecommunications service.

10 "The commission may only interpret and enforce the
11 terms and conditions of the underlying agreements or contracts
12 for telecommunications services. The commission shall not have
13 the power to set the agreement aside or alter its terms or
14 conditions, either directly or indirectly. No person or entity
15 other than the customer and his or her representative, the
16 carrier, and the Attorney General may participate in these
17 complaint proceedings before the commission. The jurisdiction
18 of the commission with respect to these retail issues shall
19 extend to formal and informal complaints and may include the
20 resolution thereof through alternative dispute resolution
21 procedures including mediation with any mediator to be chosen
22 by the commission. With respect to retail billing
23 requirements, after August 1, 2005, the commission shall
24 enforce only the Truth in Billing regulations prescribed by
25 the Federal Communications Commission and those rules
26 developed by the commission to support Truth in Billing

1 requirements as authorized by the Federal Communications
2 Commission.

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

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

17 "(e) Beginning August 1, 2006, the commission shall
18 not have any jurisdiction, right, power, authority, or duty to
19 regulate, supervise, control, oversee, or monitor, directly or
20 indirectly, the costs, rates, charges, terms, or conditions of
21 any new contract offering, but it shall retain jurisdiction
22 over existing contract offerings for the duration of the
23 existing contract offering, unless otherwise agreed to by the
24 affected customer.

25 "(f) Beginning February 1, 2007, the commission
26 shall exercise its jurisdiction, right, power, authority, or
27 duty to regulate, supervise, control, oversee, and monitor

1 basic telephone service and optional telephone features as
2 prescribed in Section 37-2A-8.

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

13 "(h) Tariffs for the services remaining subject to
14 the commission's jurisdiction under subsections (d) and (e)
15 shall remain valid and in effect until (1) the date on which
16 the commission's jurisdiction ceases as contemplated in
17 subsection (g), and (2) until the last existing contract
18 offering has expired or has been replaced by a new contract
19 offering, respectively. The relevant carrier shall notify the
20 commission in writing of the expiration or replacement of the
21 last existing contract offering, identifying the expiration
22 date for the relevant tariffs, after which date the tariffs
23 shall be null and void and of no further force or effect.
24 Except as set forth above, the tariffs for those services no
25 longer subject to the commission's authority pursuant to
26 subsection (g) shall be null and void and of no further force

1 or effect from and after the date on which such jurisdiction
2 ceases.

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

8 "(j) Prior to January 1, 2006, each person,
9 corporation, or other entity that provides telephone service
10 in this state shall file a plan with the commission setting
11 forth in detail how such person, corporation, or other entity
12 will protect the confidentiality of the address or location of
13 family violence shelters, as defined in Section 30-6-1, in
14 this state. The persons, corporations, and other entities
15 shall update the plans at least every 24 months. The original
16 and updated plans shall be approved by the commission within a
17 reasonable time upon a determination that the plans are
18 reasonably effective in identifying the family violence
19 shelters in the state and in maintaining the confidentiality
20 of the location and address of family violence shelters. If
21 the commission determines that a plan is inadequate, it shall
22 state the basis on which the plan was determined to be
23 inadequate and shall allow the person, corporation, or other
24 entity filing the plan a period of not more than 30 days to
25 file a revised plan that is acceptable to the commission. The
26 plans shall not be open to examination by the public. Within
27 three days of filing original plans or updates with the

1 commission, each person, corporation, or other entity subject
2 to this subsection shall submit a copy of all original plans,
3 updated plans, and revised plans to the Alabama Coalition
4 Against Domestic Violence, which is authorized to provide
5 comments concerning the plans to the commission in order to
6 aid in review and approval of the plans. The filing or
7 approval of the plans shall not in any manner be a defense to
8 any action or complaint.

9 "(k) After the effective date of the act adding this
10 subsection, subdivisions (1), (2), and (3) of subsection (c)
11 shall not apply to retail telecommunications services offered
12 by telecommunications carriers operating pursuant to this
13 chapter."

14 Section 2. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.