

1 SB277
2 157485-1
3 By Senator Waggoner
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 23-JAN-14

2
3
4
5
6
7
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 that are not otherwise
12 regulated by the commission.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 To amend Section 37-2A-4, Code of Alabama 1975,
19 relating to the jurisdiction of the Public Service Commission;
20 to further provide for the construction of this section; and
21 to specify that the commission would not have jurisdiction
22 over certain customer complaints related to retail
23 telecommunications services that are not otherwise regulated
24 by the commission.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 "§37-2A-4.

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

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

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

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

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

1 "b. Affect any applicable wholesale tariff.

2 "c. Grant, modify, or affect the authority of the
3 commission to implement, carry out, or enforce the rights or
4 obligations provided by 47 U.S.C. Sections 251 and 252, or of
5 an applicable wholesale tariff or law, regulation, or order
6 related to wholesale rights, duties, and obligations,
7 consistent with federal law and Federal Communications
8 Commission requirements, through arbitration proceedings or
9 other available mechanisms and procedures.

10 "(c) Once a telecommunications service, a bundled
11 offering, or a contract offering is no longer subject to the
12 general jurisdiction of the commission as prescribed below,
13 the commission shall nevertheless retain exclusive complaint
14 jurisdiction for the telecommunications services provided,
15 either as stand-alone services or as part of a bundled
16 offering or contract offering, for complaints arising out of
17 any of the following:

18 "(1) Inaccurate billing for telecommunications
19 services.

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

22 "(3) The establishment or disruption of
23 telecommunications service.

24 "The commission may only interpret and enforce the
25 terms and conditions of the underlying agreements or contracts
26 for telecommunications services. The commission shall not have
27 the power to set the agreement aside or alter its terms or

1 conditions, either directly or indirectly. No person or entity
2 other than the customer and his or her representative, the
3 carrier, and the Attorney General may participate in these
4 complaint proceedings before the commission. The jurisdiction
5 of the commission with respect to these retail issues shall
6 extend to formal and informal complaints and may include the
7 resolution thereof through alternative dispute resolution
8 procedures including mediation with any mediator to be chosen
9 by the commission. With respect to retail billing
10 requirements, after August 1, 2005, the commission shall
11 enforce only the Truth in Billing regulations prescribed by
12 the Federal Communications Commission and those rules
13 developed by the commission to support Truth in Billing
14 requirements as authorized by the Federal Communications
15 Commission.

16 "(4) The provision of call blocking of number
17 delivery and line blocking of number delivery in order to
18 protect the confidentiality of victims of domestic violence,
19 domestic violence shelters, or affiliated professionals
20 certified by the Alabama Coalition Against Domestic Violence
21 to be in need of blocking.

22 "(d) Beginning August 1, 2006, the commission shall
23 not have any jurisdiction, right, power, authority, or duty to
24 regulate, supervise, control, oversee, or monitor, directly or
25 indirectly, the costs, rates, charges, terms, or conditions
26 for any new bundled offering or the number or types of
27 communications services that comprise a new bundled offering,

1 but may continue to regulate, supervise, control, oversee, or
2 monitor existing bundled offerings.

3 "(e) Beginning August 1, 2006, the commission shall
4 not have any jurisdiction, right, power, authority, or duty to
5 regulate, supervise, control, oversee, or monitor, directly or
6 indirectly, the costs, rates, charges, terms, or conditions of
7 any new contract offering, but it shall retain jurisdiction
8 over existing contract offerings for the duration of the
9 existing contract offering, unless otherwise agreed to by the
10 affected customer.

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

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

26 "(h) Tariffs for the services remaining subject to
27 the commission's jurisdiction under subsections (d) and (e)

1 shall remain valid and in effect until (1) the date on which
2 the commission's jurisdiction ceases as contemplated in
3 subsection (g), and (2) until the last existing contract
4 offering has expired or has been replaced by a new contract
5 offering, respectively. The relevant carrier shall notify the
6 commission in writing of the expiration or replacement of the
7 last existing contract offering, identifying the expiration
8 date for the relevant tariffs, after which date the tariffs
9 shall be null and void and of no further force or effect.
10 Except as set forth above, the tariffs for those services no
11 longer subject to the commission's authority pursuant to
12 subsection (g) shall be null and void and of no further force
13 or effect from and after the date on which such jurisdiction
14 ceases.

15 "(i) The commission shall not impose or establish
16 information or reporting requirements or a uniform system of
17 accounts on any carrier that is subject to this chapter that
18 exceeds in degree or differs in kind from the requirements of
19 the Federal Communications Commission.

20 "(j) Prior to January 1, 2006, each person,
21 corporation, or other entity that provides telephone service
22 in this state shall file a plan with the commission setting
23 forth in detail how such person, corporation, or other entity
24 will protect the confidentiality of the address or location of
25 family violence shelters, as defined in Section 30-6-1, in
26 this state. The persons, corporations, and other entities
27 shall update the plans at least every 24 months. The original

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

21 "(k) After the effective date of the act adding this
22 subsection, subdivisions (1), (2), and (3) of subsection (c)
23 shall not apply to retail telecommunications services offered
24 by telecommunications carriers operating pursuant to this
25 chapter."

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