

1 SB37  
2 209044-1  
3 By Senator Sessions  
4 RFD: Governmental Affairs  
5 First Read: 02-FEB-21  
6 PFD: 01/08/2021

SYNOPSIS: Under existing law, Act 2014-82, 2014 Regular Session, removed the jurisdiction of the Public Service Commission over certain customer complaints related to retail telecommunications services and certain telephone bundling packages.

This bill would restore that jurisdiction to the Public Service Commission.

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 37-2A-4, Code of Alabama 1975; to restore the jurisdiction of the Public Service Commission over certain customer complaints related to retail telecommunications services and certain telephone bundling packages.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 37-2A-4 of the Code of Alabama 1975, is 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 section shall be construed to:~~

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

19           ~~"b. Affect any applicable wholesale tariff.~~

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

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

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 February 25, 2014, subdivisions (1), (2),~~  
22 ~~and (3) of subsection (c) shall not apply to retail~~  
23 ~~telecommunications services offered by telecommunications~~  
24 ~~carriers operating pursuant to this chapter, if the carrier~~  
25 ~~files a written election with the commission to be removed~~  
26 ~~from the commission's complaint and dispute jurisdiction as~~  
27 ~~provided in such subdivisions. Such election shall be~~



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

3           Section 2. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.