

2nd Sub. H.B. 115 TELECOMMUNICATIONS AMENDMENTS

SENATE FLOOR AMENDMENTS

MARCH 3, 1998 9:44 AM

Senator **Steele** proposes the following amendments:

1. Page 1, Line 7
Lilac 2-27-98: After "AGREEMENTS" insert "; AND ENACTING PROVISIONS REGARDING THE UNAUTHORIZED CHANGE OF LONG DISTANCE CARRIER"

2. Page 1, Line 11
Lilac 2-27-98: After line 11 insert:
54-8b-18, Utah Code Annotated 1953

3. Page 4a, Line 25b
Lilac 2-27-98: After line 25b insert:
"Section 3. Section **54-8b-18** is enacted to read:
54-8b-18. Unauthorized change of long distance carrier – Public Service Commission authority – Penalty.
(1) A local telecommunications corporation may not honor a request by any person other than a customer to change the customer's primary long distance provider except:
(a) when the requesting telecommunications corporation requesting the change has obtained from the customer a document signed by the customer that contains clear and conspicuous disclosure of the customer's request for a change in the long distance provider; or
(b) when the customer affected by the change in provider initiates contact with the local telecommunications corporation in order to request the change; or
(c) when the carrier who has initiated the change has obtained the customer's verbal authorization as verified by an independent third party or by electronic means in accordance with the rules prescribed by the commission.
(2) The documentation required in Subsection (1) must be signed by the customer responsible for paying the charges on the account held by the telecommunications corporation and may not be a part of a sweepstakes, contest, or similar promotional program.

(3) The commission shall adopt rules prior to December 31, 1998 to implement the provisions of this section.

(4) A telecommunications corporation who initiates an unauthorized change in a customer's long distance provider in violation of Subsection (1) is liable:

(a) to the customer for all long distance charges, monthly service charges, carrier switching fees, and other applicable charges incurred by the customer during the period of the unauthorized change;

(b) to the customer's original long distance provider for all charges for reinstating service to the customer; and

(c) to the Universal Public Telecommunications Service Support Fund established under Section 54-8b-15 for penalties per unauthorized change of not more than the amount prescribed in Subsection 54-8b-17(c) that applies to a willful violation.

(5)(a) The commission shall have the authority to investigate a telecommunications corporation's compliance with Subsection (1).

(b) If a telecommunications corporation is found to have made more than three unauthorized changes in violation of Subsection (1) during any calendar year, the penalty for the unauthorized changes after the first three may be assessed at double the rate set forth in Subsection 54-8b-17(c) that applies to a willful violation."