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Kirsch

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**CS FOR SENATE BILL NO. 138( )****IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-SEVENTH LEGISLATURE - SECOND SESSION****BY****Offered:****Referred:****Sponsor(s): SENATORS WIELECHOWSKI, DAVIS, AND EGAN, Ellis, Thomas****A BILL****FOR AN ACT ENTITLED**

1 **"An Act relating to the inclusion of the charges of a vendor of goods or services on the**  
2 **bills of certain telecommunications carriers; and adding an unlawful act to the Alaska**  
3 **Unfair Trade Practices and Consumer Protection Act."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** AS 42.05 is amended by adding a new section to article 8 to read:

6 **Sec. 42.05.715. Telecommunications carrier bills; disclosures and**  
7 **contested charges.** (a) A telecommunications carrier shall clearly identify in separate  
8 sections of a customer's bill

9 (1) charges by each person, corporation, or billing agent that generates  
10 a charge on the bill; and

11 (2) the information provided to the telecommunications carrier under  
12 (b) of this section.

13 (b) A person, corporation, or billing agent may not charge customers of a  
14 telecommunications carrier on the carrier's bill for a product or service unless the

1 person, corporation, or billing agent provides to the telecommunications carrier the  
2 following information:

3 (1) the amount charged for each product or service, separately  
4 identifying taxes or surcharges;

5 (2) a clear and concise description of the product or service that is the  
6 basis of the charge;

7 (3) the name of the entity providing the product or service or otherwise  
8 generating the charge; and

9 (4) a toll-free telephone number or other no-cost means of contacting  
10 the entity generating the charge to resolve a dispute regarding the charge.

11 (c) A telecommunications carrier may not discontinue services to a customer  
12 based on the customer's failure to pay a charge of another person, corporation, or  
13 billing agent appearing on the telecommunications carrier's bill, when the customer  
14 has contested the charge using the contact information provided under (b) of this  
15 section.

16 (d) The commission may adopt regulations to carry out the provisions of this  
17 section.

18 (e) In this section, "telecommunications carrier" means a telecommunications  
19 utility

20 (1) required to be certificated by or registered with the Regulatory  
21 Commission of Alaska; or

22 (2) that is eligible to receive universal service support under 47 U.S.C.  
23 214(e)(1).

24 \* **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:

25 (58) violating AS 45.50.476 (charges billed by telecommunications  
26 carriers).

27 \* **Sec. 3.** AS 45.50 is amended by adding a new section to read:

28 **Sec. 45.50.476. Charges billed by telecommunications carriers.** (a) Except  
29 as provided in (c) of this section, a vendor of goods or services may not bill charges  
30 for goods or services on a customer's telephone bill from a telecommunications  
31 carrier.

1 (b) A person may not induce a telecommunications carrier, directly or through  
2 an intermediary, to bill a customer for goods or services of a vendor unless the billing  
3 is permitted under (c) of this section. In this subsection, "person" includes a person  
4 who aggregates consumer billings or serves as a clearinghouse for aggregate billings.

5 (c) This section does not apply to an itemized billing in compliance with  
6 AS 42.05.715 for

7 (1) the sale of goods or services governed by an approved tariff of a  
8 public utility operating under a certificate of public convenience and necessity issued  
9 by the Regulatory Commission of Alaska;

10 (2) direct-dial or dial-around services initiated from the customer's  
11 telephone;

12 (3) operator-assisted telephone calls, collect calls, or telephone  
13 services provided to facilitate communications to or from inmates in a correctional  
14 center; or

15 (4) goods or services for which the vendor has provided the  
16 telecommunications carrier with independent third-party verification of the customer's  
17 express authorization.

18 (e) In this section,

19 (1) "express authorization" means

20 (A) a customer agreement to be billed for the charges in a  
21 signed, written document;

22 (B) oral agreement to be billed for the charges after the  
23 customer's identity has been verified by an independent third-party verification  
24 company using unique identifying information; or

25 (C) an agreement on an Internet website that has been verified  
26 by an electronic mail response to a request for authorization;

27 (2) "telecommunications carrier" means a telecommunications utility

28 (A) required to be certificated by or registered with the  
29 Regulatory Commission of Alaska; or

30 (B) that is eligible to receive universal service support under 47  
31 U.S.C. 214(e)(1).

1 \* **Sec. 4.** AS 45.50.481(a) is amended to read:

2 (a) Nothing in AS 45.50.471 - 45.50.561 applies to

3 (1) an act or transaction regulated under laws administered by the state,  
4 by a regulatory board or commission except as provided by AS 45.50.471(b)(27),  
5 [AND] (30), **and (58)**, or officer acting under statutory authority of the state or of the  
6 United States, unless the law regulating the act or transaction does not prohibit the  
7 practices declared unlawful in AS 45.50.471;

8 (2) an act done by the publisher, owner, agent, or employee of a  
9 newspaper, periodical, or radio or television station in the publication or dissemination  
10 of an advertisement, when the owner, agent, or employee did not have knowledge of  
11 the false, misleading, or deceptive character of the advertisement or did not have a  
12 direct financial interest in the sale or distribution of the advertised product or service;

13 (3) an act or transaction regulated under AS 21.36 or AS 06.05 or a  
14 regulation adopted under the authority of those chapters.