



LAWS OF ALASKA

1990

Source

CSHB 28 (Fin) am

Chapter No.

82

AN ACT

Relating to telecommunications alternate operator services and to disclosure of certain surcharges imposed by owners of places that aggregate telephone business from consumers.

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

THE ACT FOLLOWS ON PAGE 1, LINE 11

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 4, 1990
Actual Effective Date: September 2, 1990

AN ACT

Relating to telecommunications alternate operator services and to disclosure of certain surcharges imposed by owners of places that aggregate telephone business from consumers.

* Section 1. FINDINGS. The legislature finds that a growing number of companies provide, in a nonresidential setting, telecommunications services necessary to long distance service without disclosing the services provided or the cost. The legislature finds that providing these services to consumers without disclosing the cost or fact of providing them is a deceptive trade practice.

* Sec. 2. AS 42.05 is amended by adding a new section to read:

Sec. 42.05.325. REGISTRATION AND REGULATION OF ALTERNATE OPERATOR SERVICES. (a) An alternate operator service may not operate in the state until it has registered and filed its tariffs with the commission. The application for registration must include the service's name, the address of its principal place of business, and the name and address of each of the officers of the service.

(b) An alternate operator shall identify the entity that is providing the alternate operator service and the cost of the service before the consumer incurs a charge for the call. If requested, the alternate operator shall transfer or assist in the transfer of the consumer's call to the consumer's carrier of choice. The consumer may not be charged for the transfer. The service shall also post on or

Chapter 82

1 near the telephone instruments subject to the alternate operator
2 service information indicating that the consumer may have access to
3 the carrier the consumer prefers to use at no additional charge.

4 (c) In this section, "alternate operator service"

5 (1) means a connection to intrastate or interstate long-
6 distance telecommunications facilities from a nonresidential location
7 in the state including a hotel, motel, hospital, or customer-owned pay
8 telephone, or from a place where business from consumers is aggre-
9 gated, by a person that does not own any of the telecommunications
10 facilities being connected through the service;

11 (2) does not include an intrastate or interstate long-
12 distance carrier that contracts for operator services and charges
13 rates for those services that are no greater than the rates charged by
14 long-distance carriers regulated by the Alaska Public Utilities Com-
15 mission or by the Federal Communications Commission.

16 * Sec. 3. AS 45.50.471(b) is amended by adding a new paragraph to read:

17 (29) failing to comply with AS 45.50.473.

18 * Sec. 4. AS 45.50 is amended by adding a new section to read:

19 Sec. 45.50.473. DISCLOSURE OF COSTS OF CERTAIN TELEPHONE SER-
20 VICES. (a) A person may not provide an alternate operator service
21 without disclosing to the consumer before a charge is incurred the
22 cost of the service provided by the person and the identity of the
23 person providing those services. This section does not affect the
24 power of the Alaska Public Utilities Commission to regulate providers
25 of alternate operator services under AS 42.05 in a manner consistent
26 with this section.

27 (b) The owner of a place where telephone business from consumers
28 is aggregated, including a hotel, motel, hospital, and pay telephone
29 other than a telephone utility regulated by the Alaska Public

Utilities Commission, shall disclose a surcharge added to the cost of local or long distance telephone service before the service is provided. Disclosure may be made by posting the amount of the surcharge on or near the telephone instruments subject to the surcharge or by other reasonable written or oral means.

(c) A violation of this section constitutes an unfair or deceptive act or practice under AS 45.50.471. Notwithstanding AS 45.50.-531(a), it is presumed that actual damages to the consumer are equal to the cost of the service provided plus \$200. Additional damages must be proved.

(d) In this section, "alternate operator service" has the meaning given in AS 42.05.325(c).

* Sec. 5. AS 45.50.481 is amended to read:

Sec. 45.50.481. EXEMPTIONS. Nothing in AS 45.50.471 - 45.50.561 applies to

(1) an act or transaction regulated under laws administered by the state, by a regulatory board or commission except as provided by AS 45.50.471(b)(27) and (29), or officer acting under statutory authority of the state or of the United States, unless the law regulating the act or transaction does not prohibit the practices declared unlawful in AS 45.50.471;

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

(3) an act or transaction regulated under AS 21.36 or

Chapter 82

1 AS 06.05 or a regulation adopted under the authority of those chap
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