

Introduced: 1/9/89  
Referred: State Affairs  
and Finance

1 IN THE HOUSE

BY BOUCHER

2 HOUSE BILL NO. 28

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to telecommunications alternate  
7 operator services."

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

9 \* Section 1. FINDINGS. The legislature finds that a growing number of  
10 companies provide, in a nonresidential setting, telecommunications services  
11 necessary to long distance service without disclosing the services provided  
12 or the cost. The legislature finds that providing these services to con-  
13 sumers without disclosing the cost or fact of providing them is a deceptive  
14 trade practice.

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

16 Sec. 42.05.325. DISCLOSURE OF COSTS OF ALTERNATE OPERATOR SER-  
17 VICES. (a) The commission shall by regulation require a telecommu-  
18 nications utility operating as, or contracting with, an alternate  
19 operator services company to disclose or require the company to dis-  
20 close to the consumer before a charge is incurred the cost of the  
21 services provided by the company and the fact that the company is  
22 providing those services.

23 (b) In addition to other penalties provided under this chapter,  
24 a violation of this section constitutes an unfair or deceptive act or  
25 practice under AS 45.50.471. Notwithstanding AS 45.50.531(a), it is  
26 presumed that actual damages to the consumer are equal to the cost of  
27 the service provided plus \$200. Additional damages must be proved.

28 (c) In this section, "alternate operator services company" means  
29 a person providing a connection to intrastate or interstate

1 long-distance services from nonresidential locations including hotels,  
2 motels, hospitals, and customer-owned pay telephones.

3 \* Sec. 3. AS 45.50.471(b) is amended by adding a new paragraph to read:  
4 (29) failing to comply with AS 42.05.325.

5 \* Sec. 4. AS 45.50.481 is amended to read:  
6 Sec. 45.50.481. EXEMPTIONS. Nothing in AS 45.50.471 - 45.50.561  
7 applies to

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

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

21 (3) an act or transaction regulated under AS 21.36 or  
22 AS 06.05 or a regulation adopted under the authority of those chap-  
23 ters.

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