

Offered: 4/14/89  
Referred: Finance

6-0289E

Original sponsor: Boucher

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 28 (State Affairs)  
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 45.50.471(b) is amended by adding a new paragraph to read:  
16 (29) failing to comply with AS 45.50.473.

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

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

26 (b) A violation of this section constitutes an unfair or decep-  
27 tive act or practice under AS 45.50.471. Notwithstanding AS 45.50.-  
28 531(a), it is presumed that actual damages to the consumer are equal  
29 to the cost of the service provided plus \$200. Additional damages

1 must be proved.

2 (c) In this section, "alternate operator service" means a con-  
3 nection to intrastate or interstate long-distance telecommunications  
4 facilities from a nonresidential location in the state including a  
5 hotel, motel, hospital, or customer-owned pay telephone by a person  
6 that does not own any of the telecommunications facilities being  
7 connected through the service.

8 \* Sec. 4. AS 45.50.481 is amended to read:

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

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

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

24 (3) an act or transaction regulated under AS 21.36 or  
25 AS 06.05 or a regulation adopted under the authority of those chap-  
26 ters.