

Offered: 5/5/89
Referred: Rules

6-0289H

Original sponsor: Boucher

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 28 (Finance)

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. REGISTRATION AND REGULATION OF ALTERNATE OPERA-
17 TOR SERVICES. (a) An alternate operator service may not operate in
18 the state until it has registered and filed its tariffs with the
19 commission. The application for registration must include the ser-
20 vice's name, the address of its principal place of business, and the
21 name and address of each of the officers of the service.

22 (b) An alternate operator shall identify the entity that is
23 providing the alternate operator service and the cost of the service
24 before the consumer incurs a charge for the call. If requested, the
25 alternate operator shall transfer or assist in the transfer of the
26 consumer's call to the consumer's carrier of choice. The consumer may
27 not be charged for the transfer. The service shall also post on or
28 near the telephone instruments subject to the alternate operator
29 service information indicating that the consumer may have access to

1 the carrier the consumer prefers to use at no additional charge.

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

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

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

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

15 (29) failing to comply with AS 45.50.473.

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

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

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

1 (c) In this section, "alternate operator service" has the mean-
2 ing given in AS 42.05.325(c).

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

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

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

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

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