

Amended: 3/30/90
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) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to telecommunications alternate
7 operator services and to disclosure of certain sur-
8 charges imposed by owners of places that aggregate
9 telephone business from consumers."

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

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

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

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

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

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 Utility

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

6 (c) A violation of this section constitutes an unfair or decep-
7 tive act or practice under AS 45.50.471. Notwithstanding AS 45.50.-
8 531(a), it is presumed that actual damages to the consumer are equal
9 to the cost of the service provided plus \$200. Additional damages
10 must be proved.

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

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

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

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

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

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

1 AS 06.05 or a regulation adopted under the authority of those chap-
2 ters.