



Substitute House Bill No. 5126

Public Act No. 05-241

AN ACT CONCERNING CELLULAR MOBILE TELEPHONE DIRECTORIES AND CUSTOMER INQUIRIES AND COMPLAINTS REGARDING CELLULAR MOBILE TELEPHONE SERVICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 16-247s of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section, "carrier" means a cellular mobile telephone carrier, a reseller of service provided by a cellular mobile telephone carrier or a retailer of a mobile service, as mobile service is defined in 47 USC 153.

(b) Each certified telecommunications provider, as defined in section 16-1, that provides local exchange service to customers in the state shall provide without charge to a telephone company serving more than one hundred thousand customers for directory assistance purposes all listings for its Connecticut customers other than those listings that are nonpublished. Such telephone company, or its agent or affiliate as applicable, shall, in accordance with the terms and conditions set forth in the federal Telecommunications Act of 1996, as from time to time amended, and any applicable order or regulation adopted by the Federal Communications Commission thereunder,

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including the availability and timing of updates and applicable rates, compile all such listings and all listings for its own Connecticut customers other than those that are nonpublished in a directory assistance database and make all such listings contained in such database available in electronic format to directory assistance providers. If a customer requests a customer listing from a certified telecommunications provider that does not provide directory assistance, such provider shall connect the customer at no charge with an entity that provides directory assistance to the customer. Each such certified telecommunications provider shall indemnify a telephone company for any damages caused by that certified telecommunications provider's negligence in misidentifying a nonpublished customer.

(c) Unless required by law, no carrier may disclose the cellular telephone number, name or address of a customer to another person for use as a listing in a directory assistance data base or for publication or listing in a directory unless such customer authorizes such disclosure in accordance with the provisions of subsection (d) of this section.

(d) The customer's authorization permitted under subsection (c) of this section shall be obtained through a separate question, given orally, by written record or by electronic means, provided such carrier shall maintain a record or copy of such authorization for as long as the person is a customer of such carrier.

(e) A customer who gives the authorization permitted under subsection (c) of this section may revoke such authorization at any time. A carrier shall comply with a request to revoke authorization no later than sixty days after receiving such a request.

(f) No carrier may charge a fee to a customer or refuse to provide service to a person for declining to give the authorization permitted under subsection (c) of this section.

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(g) No person may distribute a directory containing the name or cellular mobile telephone number information of a customer of a carrier who has not given an authorization in accordance with the provisions in subsection (d) of this section.

(h) Failure to comply with any provisions of subsections (c) to (g), inclusive, of this section shall constitute an unfair or deceptive trade practice under section 42-110b.

Sec. 2. (NEW) (*Effective October 1, 2005*) (a) For purposes of this section and section 16-49 of the general statutes, "carrier" means a cellular mobile telephone carrier or a reseller of service provided by a cellular mobile telephone carrier.

(b) The Department of Public Utility Control shall receive customer inquiries and complaints regarding cellular mobile telephone service in the state. For purposes of this section, complaints do not include customer complaints not previously referred to such customer's carrier. Not later than January 1, 2006, the Department of Public Utility Control shall provide a toll-free telephone number and Internet web site at which members of the public may submit to the department their information inquiries and complaints regarding activations, disputed bills, collections, deactivations, equipment problems, network trouble and other service problems. The department shall also accept such inquiries and complaints by mail.

(c) Not later than January 1, 2006, each carrier shall notify each of its customers concerning such toll-free telephone number, Internet web site address and the address of the department for submitting such inquiries and complaints. Beginning not later than January 1, 2006, and, ending on January 1, 2008, each such carrier shall disclose to all new customers at the point of sale or contract the toll-free telephone number, Internet web site address and the address of the department for submitting such inquiries and complaints.

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(d) Not later than March 1, 2007, and March 1, 2008, the department shall prepare a report for the preceding calendar year containing information on carrier customer inquiries and complaints. Such report shall include information on consumer complaints regarding activations, disputed bills, collections, deactivations, equipment problems, network trouble and other service problems of carriers as may be relevant for the purposes of the report, provided the report may not include any information that may be a violation of section 42-110b of the general statutes. The information may include an analysis of such complaints and recommendations to address problems raised by customers. The department shall make the report available to the Attorney General and the public, on request and on the department's Internet web site.

(e) The department shall, within available appropriations, carry out its responsibilities under this section.

Sec. 3. Subsection (a) of section 16-41 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each (1) public service company and its officers, agents and employees, (2) electric supplier or person providing electric generation services without a license in violation of section 16-245, and its officers, agents and employees, (3) certified telecommunications provider or person providing telecommunications services without authorization pursuant to sections 16-247f to 16-247h, inclusive, and its officers, agents and employees, (4) person, public agency or public utility, as such terms are defined in section 16-345, subject to the requirements of chapter 293, (5) person subject to the registration requirements under section 16-258a, [and] (6) each cellular mobile telephone carrier, as described in section 16-250b, and (7) company, as defined in section 16-49, shall obey, observe and comply with all applicable provisions of this title, section 2 of this act and each applicable order made or

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applicable regulations adopted by the Department of Public Utility Control by virtue of this title or section 2 of this act so long as the same remains in force. Any such company, electric supplier, certified telecommunications provider, cellular mobile telephone carrier, person, any officer, agent or employee thereof, public agency or public utility which the department finds has failed to obey or comply with any such provision of this title, section 2 of this act, order or regulation shall be fined by order of the department in accordance with the penalty prescribed for the violated provision of this title or, if no penalty is prescribed, not more than ten thousand dollars for each offense except that the penalty shall be a fine of not more than forty thousand dollars for failure to comply with an order of the department made in accordance with the provisions of section 16-19 or 16-247k or within thirty days of such order or within any specific time period for compliance specified in such order. Each distinct violation of any such provision of this title, section 2 of this act, order or regulation shall be a separate offense and, in case of a continued violation, each day thereof shall be deemed a separate offense. Each such penalty and any interest charged pursuant to subsection (g) or (h) of section 16-49 shall be excluded from operating expenses for purposes of rate-making.

Approved July 8, 2005