



General Assembly

January Session, 2007

Raised Bill No. 7181

LCO No. 4242

04242_____ET_

Referred to Committee on Energy and Technology

Introduced by:
(ET)

AN ACT CONCERNING A CELL PHONE BILL OF RIGHTS.

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

1 Section 1. (NEW) (*Effective from passage*) (a) The Department of
2 Public Utility Control shall monitor and make public the quality of
3 cellular mobile telephone service in the state. Annually, each cellular
4 mobile telephone carrier shall provide a report to the department for
5 the twelve-month period ending August thirty-first of each year. Such
6 report shall provide information on dropped calls, blocked calls,
7 known coverage gaps, including average signal strength, dead zones,
8 predicted street level signal strength and any other matters the
9 department considers appropriate with respect to the quality of such
10 service in the state. The first such report shall be made no later than
11 October 1, 2008, and annually thereafter. The report shall be made in a
12 format and manner determined by the department.

13 (b) Not later than October 1, 2007, the department shall establish a
14 toll-free telephone number and an Internet web site at which members
15 of the public can submit to the department their comments and views
16 on the quality of cellular mobile telephone service in the state. The
17 department shall also accept such comments and views by mail. Not

18 later than October 1, 2007, and at least annually thereafter, each
19 cellular mobile telephone carrier shall, in a conspicuous manner, notify
20 each of its customers concerning such toll-free telephone number,
21 Internet web site address and the address of the department for
22 submitting such comments and views.

23 (c) Not later than January 1, 2009, and annually thereafter, the
24 department shall prepare a report on the quality of cellular mobile
25 telephone service in the state. The report shall be based on reports
26 received pursuant to subsection (a) of this section and other
27 information developed by the department, including information
28 received pursuant to subsection (b) of this section. The department
29 shall send a copy of the report to each such cellular mobile telephone
30 carrier and make it available to the public, on request, and on the
31 department's web site.

32 (d) There is established an account to be known as the "quality of
33 cell phone service account", which shall be a separate, nonlapsing
34 account within the General Fund. The Department of Public Utility
35 Control is authorized to use funds in the account only to administer
36 the provisions of this section.

37 (e) The department may, by regulations adopted in accordance with
38 the provisions of chapter 54 of the general statutes, establish
39 procedures to implement the provisions of this section. Any cellular
40 mobile telephone carrier that fails to comply with the provisions of this
41 section shall be subject to civil penalties in accordance with the
42 provisions of section 16-41 of the general statutes, as amended by this
43 act.

44 Sec. 2. Section 16-49 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective from passage*):

46 (a) As used in this section:

47 (1) "Company" means (A) any public service company other than a

48 telephone company, that had more than one hundred thousand dollars
49 of gross revenues in the state in the calendar year preceding the
50 assessment year under this section, except any such company not
51 providing service to retail customers in the state, (B) any telephone
52 company that had more than one hundred thousand dollars of gross
53 revenues in the state from telecommunications services in the calendar
54 year preceding the assessment year under this section, except any such
55 company not providing service to retail customers in the state, (C) any
56 certified telecommunications provider that had more than one
57 hundred thousand dollars of gross revenues in the state from
58 telecommunications services in the calendar year preceding the
59 assessment year under this section, except any such certified
60 telecommunications provider not providing service to retail customers
61 in the state, or (D) any electric supplier that had more than one
62 hundred thousand dollars of gross revenues in the state in the calendar
63 year preceding the assessment year under this section, except any such
64 supplier not providing electric generation services to retail customers
65 in the state;

66 (2) "Telecommunications services" means (A) in the case of
67 telecommunications services provided by a telephone company, any
68 service provided pursuant to a tariff approved by the department
69 other than wholesale services and resold access and interconnections
70 services, and (B) in the case of telecommunications services provided
71 by a certified telecommunications provider other than a telephone
72 company, any service provided pursuant to a tariff approved by the
73 department and pursuant to a certificate of public convenience and
74 necessity; and

75 (3) "Fiscal year" means the period beginning July first and ending
76 June thirtieth.

77 (b) On or before July 15, 1999, and on or before May first, annually
78 thereafter, each company shall report its intrastate gross revenues of
79 the preceding calendar year to the department, which amount shall be

80 subject to audit by the department. For each fiscal year, each company
81 shall pay the Department of Public Utility Control the company's share
82 of all expenses of the department and the Office of Consumer Counsel
83 for such fiscal year. On or before September first, annually, the
84 department shall give to each company a statement which shall
85 include: (1) The amount appropriated to the department and the Office
86 of Consumer Counsel for the fiscal year beginning July first of the
87 same year; (2) the total gross revenues of all companies; and (3) the
88 proposed assessment against the company for the fiscal year beginning
89 on July first of the same year, adjusted to reflect the estimated payment
90 required under subdivision (1) of subsection (c) of this section. Such
91 proposed assessment shall be calculated by multiplying the company's
92 percentage share of the total gross revenues as specified in subdivision
93 (2) of this subsection by the total revenue appropriated to the
94 department and the Office of Consumer Counsel as specified in
95 subdivision (1) of this subsection.

96 (c) Each company shall pay the department: (1) On or before June
97 thirtieth, annually, an estimated payment for the expenses of the
98 following year equal to twenty-five per cent of its assessment for the
99 fiscal year ending on such June thirtieth, (2) on or before September
100 thirtieth, annually, twenty-five per cent of its proposed assessment,
101 adjusted to reflect any credit or amount due under the recalculated
102 assessment for the preceding fiscal year, as determined by the
103 department under subsection (d) of this section, provided if the
104 company files an objection in accordance with subsection (e) of this
105 section, it may withhold the amount stated in its objection, and (3) on
106 or before the following December thirty-first and March thirty-first,
107 annually, the remaining fifty per cent of its proposed assessment in
108 two equal installments.

109 (d) Immediately following the close of each fiscal year, the
110 department shall recalculate the proposed assessment of each
111 company, based on the expenses, as determined by the Comptroller, of
112 the department and the Office of Consumer Counsel for such fiscal

113 year. On or before September first, annually, the department shall give
114 to each company a statement showing the difference between its
115 recalculated assessment and the amount previously paid by the
116 company.

117 (e) Any company may object to a proposed or recalculated
118 assessment by filing with the department, not later than September
119 fifteenth of the year of said assessment, a petition stating the amount of
120 the proposed or recalculated assessment to which it objects and the
121 grounds upon which it claims such assessment is excessive, erroneous,
122 unlawful or invalid. After a company has filed a petition, the
123 department shall hold a hearing. After reviewing the company's
124 petition and testimony, if any, the department shall issue an order in
125 accordance with its findings. The company shall pay the department
126 the amount indicated in the order not later than thirty days after the
127 date of the order.

128 (f) The department shall remit all payments received under this
129 section attributable to such companies to the State Treasurer for
130 deposit in the Consumer Counsel and Public Utility Control Fund
131 established under section 16-48a. [Such funds] Payments attributable
132 to such companies and payments received pursuant to subsection (k)
133 of this section shall be accounted for as expenses recovered from
134 public service companies, [and] certified telecommunications
135 providers and cellular mobile telephone carriers. All payments made
136 under this section shall be in addition to any taxes payable to the state
137 under chapters 211, 212, 212a and 219.

138 (g) Any assessment unpaid on the due date or any portion of an
139 assessment withheld after the due date under [subsection (c)]
140 subsections (c) and (k) of this section shall be subject to interest at the
141 rate of one and one-fourth per cent per month or fraction thereof, or
142 fifty dollars, whichever is greater.

143 (h) Any company or cellular mobile telephone carrier that fails to
144 report in accordance with this section shall be subject to civil penalties

145 in accordance with section 16-41, as amended by this act.

146 (i) On or before July 15, 2007, and on or before May first, annually
147 thereafter, each cellular mobile telephone carrier, described in section
148 16-250b, shall report its intrastate gross revenues of the preceding
149 calendar year to the department, which amount shall be subject to
150 audit by the department. For each fiscal year, each carrier shall pay the
151 Department of Public Utility Control the carrier's share of all expenses
152 of the department to administer the activities set forth in section 1 of
153 this act and the activities with respect to such carrier set forth in this
154 section.

155 (j) On or before September first, annually, the department shall give
156 to each such carrier a statement which shall include (1) the total gross
157 revenues of all carriers, and (2) the proposed assessment against the
158 carrier for the fiscal year beginning on July first of the same year,
159 adjusted to reflect the estimated payment required under subdivision
160 (1) of subsection (c) of this section. Such proposed assessment shall be
161 calculated by multiplying the carrier's percentage share of the total
162 gross revenues as specified in subdivision (1) of this subsection by the
163 estimated expenses of the department for the fiscal year to administer
164 the activities set forth in section 1 of this act and the activities with
165 respect to such carrier set forth in this section.

166 (k) Each carrier shall pay the department its estimated expense as
167 provided in subsection (c) of this section and the proposed assessment
168 for each carrier shall be recalculated following the close of the fiscal
169 year as provided in subsection (d) of this section to reflect the expenses
170 of the department for the fiscal year to administer the activities set
171 forth in section 1 of this act and the activities with respect to such
172 carrier set forth in this section. The department shall remit all
173 payments received from such cellular mobile telephone carriers to the
174 State Treasurer for deposit in the quality of cell phone service account
175 established pursuant to subsection (d) of section 1 of this act.

176 Sec. 3. Subsection (a) of section 16-41 of the general statutes is

177 repealed and the following is substituted in lieu thereof (*Effective from*
178 *passage*):

179 (a) Each (1) public service company and its officers, agents and
180 employees, (2) electric supplier or person providing electric generation
181 services without a license in violation of section 16-245, and its officers,
182 agents and employees, (3) certified telecommunications provider or
183 person providing telecommunications services without authorization
184 pursuant to sections 16-247f to 16-247h, inclusive, and its officers,
185 agents and employees, (4) person, public agency or public utility, as
186 such terms are defined in section 16-345, subject to the requirements of
187 chapter 293, (5) person subject to the registration requirements under
188 section 16-258a, (6) each cellular mobile telephone carrier, as described
189 in section 16-250b, and (7) company, as defined in section 16-49, as
190 amended by this act, shall obey, observe and comply with all
191 applicable provisions of this title, section 1 of this act and each
192 applicable order made or applicable regulations adopted by the
193 Department of Public Utility Control by virtue of this title or section 1
194 of this act, as long as the same remains in force. Any such company,
195 electric supplier, certified telecommunications provider, cellular
196 mobile telephone carrier, person, any officer, agent or employee
197 thereof, public agency or public utility which the department finds has
198 failed to obey or comply with any such provision of this title, section 1
199 of this act, order or regulation shall be fined by order of the
200 department in accordance with the penalty prescribed for the violated
201 provision of this title or, if no penalty is prescribed, not more than ten
202 thousand dollars for each offense, except that the penalty shall be a
203 fine of not more than forty thousand dollars for failure to comply with
204 an order of the department made in accordance with the provisions of
205 section 16-19 or 16-247k or within thirty days of such order or within
206 any specific time period for compliance specified in such order. Each
207 distinct violation of any such provision of this title, section 1 of this act,
208 order or regulation shall be a separate offense and, in case of a
209 continued violation, each day thereof shall be deemed a separate
210 offense. Each such penalty and any interest charged pursuant to

211 subsection (g) or (h) of section 16-49, as amended by this act, shall be
212 excluded from operating expenses for purposes of rate-making.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	16-49
Sec. 3	<i>from passage</i>	16-41(a)

Statement of Purpose:

To provide information to users of cellular telephones regarding the terms of cellular telephone contracts, quality and area of service, billing practices, privacy of customer telephone numbers, dispute resolution, to provide remedies for failure to comply with this act and to provide the Department of Public Utility Control with the authority to regulate practices of cellular telephone carriers and to enforce this act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]