

ASSEMBLY BILL

No. 909

Introduced by Assembly Member Reyes

February 20, 2003

An act to add Section 2886.5 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 909, as introduced, Reyes. Telecommunications: mobile telephony services: resellers.

(1) Under existing federal law, the Federal Communications Commission (FCC) licenses providers of commercial mobile radio service, including providers of cellular radiotelephone service, broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR) services. The FCC prohibits providers of cellular radiotelephone services, broadband PCS services, and digital SMR from unreasonably restricting resale of their services.

Existing law empowers the Public Utilities Commission to regulate telecommunications services and rates of telephone corporations, except to the extent regulation of commercial mobile radio service is preempted by federal regulation, and to require telephone corporations to provide customer services.

This bill would require the Public Utilities Commission to adopt rules to require that resellers of cellular radiotelephone services, broadband PCS services, and digital SMR services, comply with the service policies of the cellular radiotelephone, broadband PCS, or digital SMR services provider. Because violation of an order, decision, rule, direction, demand, or requirement of the commission is a crime

under existing law, the bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2886.5 is added to the Public Utilities
2 Code, to read:
3 2886.5. (a) The commission shall adopt rules to require
4 resellers of mobile telephony services to comply with the service
5 policies of the mobile telephony services provider.
6 (b) For purposes of this section:
7 (1) “Mobile telephony services” means commercially
8 available interconnected mobile phone services that provide
9 access to the public switched telephone network (PSTN) via
10 mobile communication devices employing radiowave technology
11 to transmit calls, including cellular radiotelephone, broadband
12 Personal Communications Services (PCS), and digital Specialized
13 Mobile Radio (SMR). “Mobile telephony services” does not
14 include mobile satellite services or mobile data services used
15 exclusively for the delivery of nonvoice information to a mobile
16 device.
17 (2) “Reseller” means a person offering mobile telephony
18 services for resale, including a person that purchases airtime at
19 wholesale rates and resells that airtime at retail prices.
20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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