

**ASSEMBLY BILL**

**No. 610**

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**Introduced by Assembly Member Calderon**

February 17, 2005

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An act to amend Section 2890.2 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 610, as introduced, Calderon. Telecommunications: mobile telephony services.

Existing law requires a provider of mobile telephony services, as defined, no later than January 1, 2004, to provide subscribers with a means by which a subscriber can obtain reasonably current and available information on the subscriber's calling plan or plans and service usage, including roaming usage and charges.

This bill would require that a provider of mobile telephony services provide subscribers, no later than January 1, 2006, with a means by which a subscriber can obtain reasonably current and available information on the subscriber's calling plan or plans and service usage, including roaming usage and charges and text messaging and Internet usage and charges.

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

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

- 1 SECTION 1. Section 2890.2 of the Public Utilities Code is  
2 amended to read:  
3 2890.2. (a) No later than January 1, ~~2004~~ 2006, a provider of  
4 mobile telephony services shall provide subscribers with a means

1 by which a subscriber can obtain reasonably current and  
2 available information, as determined by the provider, on the  
3 subscriber’s calling plan or plans and service usage, including  
4 roaming usage and charges *and text messaging and Internet*  
5 *usage and charges.*

6 (b) Each provider of mobile telephony services shall inform  
7 subscribers at the time service is established of the availability of  
8 the information described in subdivision (a) and how it may be  
9 obtained.

10 (c) For purposes of this section, “mobile telephony services”  
11 means commercially available interconnected mobile phone  
12 services that provide access to the public switched telephone  
13 network (PSTN) via mobile communication devices employing  
14 radiowave technology to transmit calls, including cellular  
15 radiotelephone, broadband Personal Communications Services  
16 (PCS), and digital Specialized Mobile Radio (SMR). “Mobile  
17 telephony services” does not include mobile satellite services or  
18 mobile data services used exclusively for the delivery of  
19 nonvoice information to a mobile device.

20 SEC. 2. Section 1 of Chapter 286 of the Statutes of 2002 is  
21 amended to read:

22 Section 1. The Legislature finds and declares all of the  
23 following:

24 (a) Mobile telephony service subscribers may currently be  
25 unable to monitor their call time minutes, including roaming  
26 usage and charges *and text messaging and Internet usage and*  
27 *charges*, and, as a result, they face higher rates because they  
28 unknowingly exceed the number of minutes included under their  
29 plans.

30 (b) Mobile telephony service subscribers need reasonably  
31 accurate information relative to their current service usage in  
32 order to enable them to better utilize their particular calling plans.

33 (c) Providing mobile telephony service subscribers with a  
34 reasonable estimate that includes a differentiation between the  
35 types of usage covered by their plans, such as “peak” versus  
36 “free” minutes, will enable subscribers to make informed  
37 decisions about their mobile telephony service.

38 (d) The Legislature intends to require the provision of  
39 reasonably available usage information by mobile telephony  
40 service providers by January 1, ~~2004~~ 2006.

1 (e) Technology exists to provide mobile telephony service  
2 subscribers with reasonably accurate information relative to their  
3 current service usage, including roaming usage and charges *and*  
4 *text messaging and Internet usage and charges*, and this type of  
5 information can be obtained through a variety of sources,  
6 including, but not limited to, ~~cellular telephone~~ *mobile telephony*  
7 *service* providers, Internet Web sites, and traditional telephone  
8 customer service providers, such as 1-800 telephone numbers.

9 (f) The Legislature intends that reasonably available, current  
10 usage information be provided to all mobile telephony service  
11 subscribers, taking into consideration technical limitations that  
12 may affect reporting to a consumer, including, but not limited to,  
13 limitations on reporting “roaming” minutes incurred when a  
14 mobile telephony service subscriber is outside his or her plan  
15 coverage area *and text messaging and Internet usage and*  
16 *charges*.