

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1497

Introduced by Assembly Member Hall

February 27, 2009

~~An act to amend Section 2893 of the Public Utilities Code, relating to telecommunications.~~ *An act to amend Section 1807 of the Public Utilities Code, relating to public utilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1497, as amended, Hall. ~~Telephone call identification service.~~ *Public utilities: intervenor fees.*

Existing law provides compensation for reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs to public utility customers of participation or intervention in any proceeding of the Public Utilities Commission. Any award for that compensation shall be paid by the public utility that is the subject of the hearing, investigation, or proceeding. Existing law provides that an award shall be allowed by the commission as an expense for the purpose of establishing rates of the public utility. An existing decision of the commission establishes the intervenor compensation program fund for quasi-legislative or rulemaking proceedings funded through commission reimbursement fees collected on an annual basis from electrical, gas, telephone, and water corporations.

This bill would require an award related to a telephone corporation that is not regulated under a rate-of-return regulatory framework to be paid from the commission's intervenor compensation program fund.

~~Existing law, with specified exceptions, requires the Public Utilities Commission to require any call identification service offered by a~~

telephone corporation, or by any other person or corporation that makes use of the facilities of a telephone corporation, to allow the caller, at no charge, to withhold, on an individual basis, the display of the caller's telephone number from the telephone instrument of the individual receiving the call, but prohibits a caller from withholding the display of the caller's business telephone number when that number is being used for telemarketing purposes. Existing law requires that a telephone corporation notify its subscribers that their calls may be identified to a called party either (1) 30 or more days before the telephone corporation commences to participate in the offering of a call identification service, or (2) by March 1, 1990, if the telephone corporation is participating in a call identification service prior to January 1, 1990.

This bill would delete the requirement that a telephone corporation that is participating in a call identification service prior to January 1, 1990, notify subscribers by March 1, 1990, that their calls may be identified to a called party.

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

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

- 1 SECTION. 1. Section 1807 of the Public Utilities Code is
- 2 amended to read:
- 3 1807. ~~Any~~ (a) An award made under this article shall be paid
- 4 by the public utility ~~which~~ that is the subject of the hearing,
- 5 investigation, or proceeding, as determined by the commission,
- 6 within 30 days. Notwithstanding any other provision of law, any
- 7 award paid by a public utility pursuant to this article shall be
- 8 allowed by the commission as an expense for the purpose of
- 9 establishing rates of the public utility by way of a dollar-for-dollar
- 10 adjustment to rates imposed by the commission immediately on
- 11 the determination of the amount of the award, so that the amount
- 12 of the award shall be fully recovered within one year from the date
- 13 of the award.
- 14 (b) An award related to a telephone corporation that is not
- 15 regulated under a rate-of-return regulatory framework shall be
- 16 paid from the commission's intervenor compensation program
- 17 fund.
- 18 SECTION 1. ~~Section 2893 of the Public Utilities Code is~~
- 19 amended to read:

1 ~~2893. (a) The commission shall, by rule or order, require that~~
2 ~~every telephone call identification service offered in this state by~~
3 ~~a telephone corporation, or by any other person or corporation that~~
4 ~~makes use of the facilities of a telephone corporation, shall allow~~
5 ~~a caller to withhold display of the caller's telephone number, on~~
6 ~~an individual basis, from the telephone instrument of the individual~~
7 ~~receiving the telephone call placed by the caller. However a caller~~
8 ~~shall not be allowed to withhold the display of the caller's business~~
9 ~~telephone number when that number is being used for~~
10 ~~telemarketing purposes.~~

11 ~~(b) There shall be no charge to the caller who requests that his~~
12 ~~or her telephone number be withheld from the recipient of any call~~
13 ~~placed by the caller.~~

14 ~~(c) The commission shall direct every telephone corporation to~~
15 ~~notify its subscribers that their calls may be identified to a called~~
16 ~~party 30 or more days before the telephone corporation commences~~
17 ~~to participate in the offering of a call identification service.~~

18 ~~(d) This section does not apply to any of the following:~~

19 ~~(1) An identification service which is used within the same~~
20 ~~limited system, including, but not limited to, a Centrex or private~~
21 ~~branch exchange (PBX) system, as the recipient telephone.~~

22 ~~(2) An identification service which is used on a public agency's~~
23 ~~emergency telephone line or on the line which receives the primary~~
24 ~~emergency telephone number (911).~~

25 ~~(3) Any identification service provided in connection with~~
26 ~~legally sanctioned call tracing or tapping procedures.~~

27 ~~(4) Any identification service provided in connection with any~~
28 ~~"800" or "900" access code telephone service until the telephone~~
29 ~~corporation develops the technical capability to comply with~~
30 ~~subdivision (a), as determined by the commission.~~

31 ~~(e) Until the market for local telephone service is competitive,~~
32 ~~a telephone corporation shall not charge any subscriber for having~~
33 ~~an unlisted or unpublished telephone number. However, nothing~~
34 ~~in this subdivision shall be interpreted by the commission to reduce~~
35 ~~the revenues of telephone corporations. Any actions of the~~
36 ~~commission pursuant to this subdivision shall be implemented on~~
37 ~~a competitively neutral basis. This charge shall not be eliminated~~

- 1 ~~prior to the effective date upon which offsetting rates are~~
- 2 ~~implemented by the commission.~~

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