

ASSEMBLY BILL

No. 535

Introduced by Assembly Member Reyes

February 18, 1999

An act to add Section 2889.4 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 535, as introduced, Reyes. Telecommunications: services.

Existing law requires telephone corporations to provide specified customer and subscriber services.

This bill would require a local exchange service provider that automatically provides custom calling or enhanced calling telephone services billed on a per use basis to a residential subscriber of basic exchange service to notify all residential subscribers of those services by including in the regular bill for service a postcard with return postage guaranteed, listing the names and descriptions of each service to be billed on a per use basis, and the cost of each use. The bill would prohibit that service provider from providing any service listed on the postcard to a subscriber without the authorization of the subscriber to those services, as prescribed. The bill would, except as specified, exempt residential subscribers from liability for any charge for the use of a telephone service billed on a per use basis unless the service provider has received that authorization. The bill would authorize a residential subscriber that has authorized the provision of telephone services billed on a per use basis to

file a claim with the service provider for the reimbursement of charges for the inadvertent or unauthorized use of telephone services billed on a per use basis, and would require the service provider to reimburse that subscriber under those circumstances.

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

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

1 SECTION 1. Section 2889.4 is added to the Public
2 Utilities Code, to read:

3 2889.4. (a) A local exchange service provider that
4 automatically provides custom calling or enhanced
5 calling telephone services billed on a per use basis to a
6 residential subscriber of basic exchange service shall
7 notify all residential subscribers by including in the
8 regular bill for service a postcard with return postage
9 guaranteed, listing the names and descriptions of each
10 service offered by the service provider, to be billed on a
11 per use basis, and the cost of each use, including
12 information on applicable charges such as tolls for a
13 connected call. The service provider may not provide any
14 service listed on the postcard notice to a subscriber
15 without the authorization of the subscriber to those
16 services, as indicated by the return of the postcard to the
17 service provider with the subscriber's signature,
18 telephone number, and service address.

19 (b) (1) Except as specified in paragraph (2), a
20 residential subscriber may not be liable for any charge for
21 the use of a telephone service billed on a per use basis
22 unless the service provider has received authorization
23 from that subscriber pursuant to subdivision (a).

24 (2) A current subscriber may be liable for any charge
25 for the use of a telephone service billed on a per use basis
26 used within 14 days from the date that notification was
27 sent by the service provider pursuant to subdivision (a),
28 but may not be liable for charges incurred thereafter,
29 unless the service provider has received authorization
30 from that subscriber pursuant to subdivision (a).



1 (c) A residential subscriber that has authorized the
2 provision of telephone services billed on a per use basis in
3 accordance with subdivision (a) may file a claim with the
4 service provider for the reimbursement of charges for the
5 inadvertent or unauthorized use of telephone services
6 billed on a per use basis, and the service provider, under
7 those circumstances, shall reimburse that subscriber.

8 (d) As used in this section, the following terms have
9 the following meanings:

10 (1) "Current subscriber" means a residential
11 subscriber of a local exchange service provider as of
12 December 31, 1999.

13 (2) "New subscriber" means a person who initiates a
14 subscription to residential service from a local exchange
15 service provider that begins on or after January 1, 2000.

