

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2071** Session of  
1999

INTRODUCED BY DALLY, GEORGE, SAYLOR, PIPPY, WALKO, BELARDI,  
E. Z. TAYLOR, LYNCH, READSHAW, FREEMAN, SURRA, RUBLEY,  
LEDERER, SATHER, SANTONI, STEELMAN, SCHRODER, YOUNGBLOOD,  
TRELLO, BROWNE, HARHAI, HARHART, McCALL AND STERN,  
NOVEMBER 16, 1999

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, NOVEMBER 16, 1999

AN ACT

1 Requiring telecommunications carriers to change a subscriber's  
2 carrier selection for local service and regional and long  
3 distance toll service in accordance with the Federal  
4 Communications Commission's verification procedures; and  
5 imposing powers and duties on the Pennsylvania Public Utility  
6 Commission.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Slamming  
11 Prevention Act.

12 Section 2. Slamming prevention.

13 (a) General rule.--A telecommunications carrier that  
14 provides telecommunications services in this Commonwealth may  
15 only change a subscriber's selection of a provider of telephone  
16 service if the subscriber agrees to the change in writing and  
17 the change is otherwise in compliance with verification  
18 procedures promulgated by the Federal Communications Commission.

1 Telephone services to which this section applies include local  
2 service, intraLATA or regional toll service and interLATA or  
3 long distance toll service.

4 (b) Liability for subscriber charges.--A telecommunications  
5 carrier that violates the Federal Communications Commission's  
6 verification procedures and that collects charges for telephone  
7 exchange service or telephone toll service from a subscriber  
8 shall be liable to the carrier previously selected by the  
9 subscriber in an amount equal to all charges paid by the  
10 subscriber after the violation, and any amount in excess of what  
11 the subscriber would have paid to the previously selected  
12 carrier shall be credited to the subscriber's account, in  
13 accordance with the Federal Communications Commission's rules.

14 (c) Slamming complaints and violations.--

15 (1) The Pennsylvania Public Utility Commission shall  
16 require each carrier providing telecommunications service in  
17 this Commonwealth to report annually to the Pennsylvania  
18 Public Utility Commission the number of complaints made  
19 against the carrier under subsection (a) and subsequent  
20 violations by the carrier, as determined by the Federal  
21 Communications Commission, involving consumers in this  
22 Commonwealth. The report shall include notices of liability,  
23 forfeitures and fines levied against the carrier by the  
24 Federal Communications Commission.

25 (2) A carrier that experiences a substantial increase in  
26 the number of annual violations under subsection (a) may be  
27 subject to a procedural audit by the Pennsylvania Public  
28 Utility Commission.

29 (d) Pennsylvania Public Utility Commission report.--The  
30 Pennsylvania Public Utility Commission shall issue an annual

1 report to the General Assembly on the administration and  
2 enforcement of this act. The report shall include a listing, by  
3 carrier, of violations under subsection (a). This report shall  
4 be publicly posted by the Pennsylvania Public Utility Commission  
5 on the Internet.

6 (e) Enforcement of verification procedures.--The  
7 Pennsylvania Public Utility Commission may enforce the Federal  
8 Communications Commission's verification procedures.

9 (f) Penalties.--In addition to any other provision of this  
10 act, the Pennsylvania Public Utility Commission may enforce this  
11 act by levying any civil penalty, suspending or revoking any  
12 certificate of public convenience, or using any other  
13 enforcement provision provided under 66 Pa.C.S. (relating to  
14 public utilities).

15 Section 3. Effective date.

16 This act shall take effect in 60 days.