

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1112 Session of 2020

INTRODUCED BY PHILLIPS-HILL, MARTIN, MENSCH, STEFANO, BARTOLOTTA, BREWSTER, ARNOLD, BAKER, GORDNER, VOGEL, DINNIMAN, SCAVELLO, PITTMAN, MASTRIANO AND REGAN, APRIL 30, 2020

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, SEPTEMBER 22, 2020

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in alternative form of regulation of
3 telecommunications services, further providing for additional
4 powers and duties of commission.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 3019(c) of Title 66 of the Pennsylvania
8 Consolidated Statutes is amended AND THE SECTION IS AMENDED BY <--
9 ADDING A SUBSECTION to read:

10 § 3019. Additional powers and duties.

11 * * *

12 (c) [(Reserved).] Streamlined regulations for
13 telecommunications carriers.--

14 (1) Notwithstanding any other provisions of this title
15 and subject to paragraph (2), the commission, within 30 days
16 after the effective date of this paragraph and, by order <--
17 published on the commission's publicly accessible Internet

1 website and served upon all certificated telecommunications
2 carriers, shall permanently waive its regulations at 52 Pa.
3 Code Ch. 53 (relating to tariffs for noncommon carriers), §§
4 53.57 (relating to definitions), 53.58 (relating to offering
5 of competitive services), 53.59 (relating to cost support
6 requirements and effective filing dates for tariff filings of
7 noncompetitive services), 53.60 (relating to supporting
8 documentation for promotional offerings, joint or bundled
9 service packages, and toll services) and 53.85 (relating to
10 paper billing fees), as well as all provisions of 52 Pa. Code
11 Chs. 63 (relating to telephone service) and 64 (relating to
12 standards and billing practices for residential telephone
13 service).

14 (2) The waiver of regulations under paragraph (1) shall
15 not apply to the following provisions of 52 Pa. Code:

16 (i) Section 63.37 (relating to operation of the
17 Telecommunications Relay Service System and Relay Service
18 Fund).

19 (ii) Chapter 63L (relating to universal services).

20 (iii) Chapter 630 (relating to abbreviated
21 procedures for review and approval of transfer of control
22 for telecommunications public utilities).

23 (iv) Section 64.23 (relating to Standardizing LEC
24 responses to customer contacts alleging unauthorized
25 charges added to the customer's bill (cramming) and
26 unauthorized changes to the customer's long distance
27 carrier (slamming)).

28 (3) The regulations specified in paragraph (2) and any
29 other commission regulations shall remain in effect subject
30 to the commission's authority to alter, amend, waive or

1 rescind the regulations according to applicable law.

2 (4) The commission shall promptly rescind the
3 regulations waived under paragraph (1).

4 (5) With the exception of the regulations specified in
5 paragraph (2), every three years after the effective date of
6 this paragraph, the commission shall undertake a review of
7 all regulations applicable to telecommunications carriers and
8 shall rescind regulations that are no longer necessary or in
9 the public interest. ~~The commission shall not promulgate any~~ <--
10 ~~new regulation applicable to the telecommunications carriers~~
11 ~~if the number of voice subscriptions subject to the~~
12 ~~commission's jurisdiction is less than 10% of the total voice~~
13 ~~subscriptions in this Commonwealth, including, but not~~
14 ~~limited to, mobile wireless and Voice over Internet Protocol~~
15 ~~subscriptions.~~ If the commission promulgates any new
16 regulation applicable to telecommunications carriers, then
17 the new regulation must be supported by factual findings and
18 determinations, based on an evidentiary record, demonstrating
19 need for the regulation given THE EMERGENCE OF NEW INDUSTRY <--
20 PARTICIPANTS, TECHNOLOGICAL CHANGES, ELECTRONIC MEANS FOR
21 BILLING AND CUSTOMER NOTICES, COSTS OF COMPLIANCE, CONSUMER
22 PREFERENCE, the competitive market for telecommunications
23 services and that the benefits of the regulation outweigh the
24 cost to comply with and enforce the regulation.

25 (C.1) ISSUES, DISPUTES AND APPOINTMENTS.--THE FOLLOWING <--
26 SHALL APPLY:

27 (1) IF A CUSTOMER OF A RETAIL VOICE SERVICE WITHIN THE
28 COMMISSION'S JURISDICTION CONTACTS THE COMMISSION WITH AN
29 ISSUE OR DISPUTE WITH THE CUSTOMER'S LOCAL EXCHANGE
30 TELECOMMUNICATIONS COMPANY, THE COMMISSION SHALL FORWARD

1 RELEVANT INFORMATION TO A LOCAL EXCHANGE TELECOMMUNICATIONS
2 COMPANY-MAINTAINED E-MAIL ADDRESS. THE LOCAL EXCHANGE
3 TELECOMMUNICATIONS COMPANY SHALL BEGIN AN INVESTIGATION AND
4 MAKE A GOOD FAITH EFFORT TO RESOLVE THE ISSUE OR DISPUTE IN A
5 MANNER SATISFACTORY TO BOTH PARTIES. IN THE EVENT THE ISSUE
6 OR DISPUTE IS NOT RESOLVED WITHIN 30 DAYS, THE LOCAL EXCHANGE
7 TELECOMMUNICATIONS COMPANY SHALL INFORM THE COMMISSION AND
8 THE COMMISSION SHALL ADVISE THE CUSTOMER OF THE OPTION TO
9 PURSUE MEDIATION BEFORE THE COMMISSION.

10 (2) FOR A SERVICE INSTALLATION OR REPAIR APPOINTMENT FOR
11 VOICE SERVICE WITHIN THE COMMISSION'S JURISDICTION, THE LOCAL
12 EXCHANGE TELECOMMUNICATIONS COMPANY SHALL MAKE A GOOD FAITH
13 EFFORT TO ESTABLISH A MUTUALLY AGREEABLE DATE AND APPOINTMENT
14 WINDOW WITH THE CUSTOMER. THE LOCAL EXCHANGE
15 TELECOMMUNICATIONS COMPANY SHALL KEEP THE APPOINTMENT UNLESS
16 THE CUSTOMER IS GIVEN ADVANCE NOTICE THAT A CHANGE TO THE
17 APPOINTMENT IS NECESSARY.

18 * * *

19 Section 2. This act shall take effect in 60 days.