



HOUSE BILL No. 5784

September 14, 1994 Introduced by Rep Gustafson and referred to the Committee on Public Utilities

A bill to amend section 3g of Act No 206 of the Public Acts of 1913, entitled as amended

"An act to declare telephone lines and telephone companies within this state to be common carriers to regulate the telephone business to confer certain powers, duties, and responsibilities on the public service commission to provide for the consolidation of telephone lines and telephone companies to prohibit certain uses of telephone lines and telephone equipment to regulate persons using telephone lines and telephone equipment to prescribe a penalty for the violation of this act and to repeal certain acts and parts of acts on specific dates

as added by Act No 309 of the Public Acts of 1990 being section 484 103g of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 3g of Act No 206 of the Public Acts of
2 1913 as added by Act No 309 of the Public Acts of 1990, being
3 section 484 103g of the Michigan Compiled Laws, is amended to
4 read as follows

1 Sec 3g (1) ~~Notwithstanding any other provision in this~~
2 ~~act, an alternative operator service provider shall do all of the~~
3 ~~following~~ EXCEPT AS PROVIDED IN SUBSECTION (2) AS USED IN THIS
4 SECTION ALTERNATIVE OPERATOR SERVICE MEANS AN OPERATOR SERVICE
5 THAT INCLUDES ANY AUTOMATIC OR LIVE ASSISTANCE TO A CONSUMER TO
6 ARRANGE FOR BILLING OR COMPLETION OF A TELEPHONE CALL BETWEEN
7 POINTS WITHIN THIS STATE THAT ARE SPECIFIED BY THE USER THROUGH A
8 METHOD OTHER THAN 1 OF THE FOLLOWING

9 (A) AUTOMATIC COMPLETION WITH BILLING TO THE TELEPHONE FROM
10 WHICH THE CALL ORIGINATED

11 (B) COMPLETION THROUGH AN ACCESS CODE OR A PROPRIETARY
12 ACCOUNT NUMBER USED BY THE CONSUMER, WITH BILLING TO AN ACCOUNT
13 PREVIOUSLY ESTABLISHED WITH THE CARRIER BY THE CONSUMER

14 (C) COMPLETION IN ASSOCIATION WITH DIRECTORY ASSISTANCE
15 SERVICES

16 (2) 'ALTERNATIVE OPERATOR SERVICE DOES NOT INCLUDE OPERATOR
17 SERVICE OFFERED BY A PROVIDER OF TOLL SERVICE OR BASIC LOCAL
18 EXCHANGE SERVICE AS THOSE TERMS ARE DEFINED IN SECTION 102 OF THE
19 MICHIGAN TELECOMMUNICATIONS ACT, ACT NO 179 OF THE PUBLIC ACTS
20 OF 1991 BEING SECTION 484 2102 OF THE MICHIGAN COMPILED LAWS

21 (3) COMMISSION MEANS THE MICHIGAN PUBLIC SERVICE
22 COMMISSION

23 (4) THE COMMISSION SHALL ADOPT AND ENFORCE OPERATING
24 REQUIREMENTS FOR THE PROVISION OF ALTERNATIVE OPERATOR SERVICES
25 THESE REQUIREMENTS SHALL INCLUDE BUT ARE NOT LIMITED TO THE
26 FOLLOWING

1 (a) Furnish each entity with which ~~it~~ THE ALTERNATIVE
2 OPERATOR PROVIDER contracts to provide operator service a
3 sticker, card, or other form of information for each telephone
4 that has access to the operator service and is intended to be
5 used by the public The information shall include the name of
6 the alternative operator service provider a toll-free customer
7 service telephone number and a statement that charges imposed by
8 the alternative operator service and additional information may
9 be obtained by calling the toll-free telephone number The
10 alternative operator service provider shall require by contract
11 that the entity receiving the information display it on or near
12 each of the telephones that has access to the service and is
13 intended for use by the public This information shall be dis-
14 played prior to implementing the contract If the operator serv-
15 ice provider owns telephones through which it provides operator
16 services, the information shall also be displayed on or near
17 those telephones

18 (b) Prior to the connection of each alternative operator
19 service call do the following

20 (i) Announce the alternative operator service provider s
21 name

22 (ii) Quote at the caller s request and without charge the
23 rate and any other fees or surcharges applicable to the call
24 charged by the alternative operator service

25 (c) Allow a caller to the alternative operator service to
26 choose the carrier of his or her choice by doing either of the
27 following

1 (1) After informing the caller that the rates for the call
2 may not reflect the rates for a call from the location of the
3 caller and receiving the caller's consent transfer the caller to
4 the carrier of his or her choice without charge

5 (2) Instruct the caller how to reach his or her carrier of
6 choice by dialing the carrier's 950 1-800 or 10-XXX access
7 method

8 (d) Allow callers to the alternative operator service to
9 reach emergency services without charge

10 (5) A PERSON SHALL NOT PROVIDE ALTERNATIVE OPERATOR SERVICES
11 IN THIS STATE WITHOUT FIRST REGISTERING WITH THE COMMISSION THE
12 REGISTRATION SHALL INCLUDE THE FOLLOWING INFORMATION

13 (A) THE NAME OF THE PROVIDER

14 (B) THE ADDRESS OF THE PROVIDER'S PRINCIPAL OFFICE

15 (C) IF THE PROVIDER IS NOT LOCATED IN THIS STATE, THE
16 ADDRESS OF THE REGISTERED OFFICE AND THE NAME OF THE REGISTERED
17 AGENT AUTHORIZED TO RECEIVE SERVICE OF PROCESS IN THIS STATE

18 (D) ANY OTHER INFORMATION THAT THE COMMISSION MAY REQUIRE

19 (6) THE REGISTRATION SHALL BE ACCOMPANIED WITH A REGISTRA-
20 TION FEE OF \$100 00

21 (7) THE REGISTRATION IS EFFECTIVE IMMEDIATELY UPON FILING
22 WITH THE COMMISSION AND THE PAYMENT OF THE REGISTRATION FEE AND
23 SHALL REMAIN IN EFFECT FOR 1 YEAR FROM ITS EFFECTIVE DATE

24 (8) A REGISTRATION MAY BE RENEWED FOR 1 YEAR BY FILING WITH
25 THE COMMISSION A RENEWAL REGISTRATION ON A FORM PROVIDED BY THE
26 COMMISSION AND THE PAYMENT OF A RENEWAL FEE OF \$100 00

1 (9) EXCEPT AS OTHERWISE AUTHORIZED BY THE COMMISSION A
2 PROVIDER SHALL NOT CHARGE A RATE FOR ALTERNATIVE OPERATOR
3 SERVICES THAT IS GREATER THAN 2 TIMES THE STATE AVERAGE RATE FOR
4 SIMILAR OPERATOR SERVICES

5 (10) ALL ORDERS ISSUED BY THE COMMISSION UNDER THIS SECTION
6 SHALL BE NONDISCRIMINATORY AND DESIGNED TO PROMOTE COMPETITION
7 WHICH FACILITATES CONSUMER CHOICE

8 (11) ~~(2)~~ In addition to any other penalty provided for in
9 this act a person who is charged for the use of an alternative
10 operator service or is denied access to emergency services in
11 violation of this section may bring an action IN A COURT OF COM-
12 PETENT JURISDICTION to recover actual damages or \$250 00 which-
13 ever is greater along with reasonable attorney fees

14 (12) ~~(3)~~ This section does not apply to specialized tele-
15 communications in local county or state correctional or other
16 confinement facilities, including juvenile and mental health
17 facilities

18 ~~(4) As used in this section, "alternative operator service"~~
19 ~~means an operator service that is separate from the operator~~
20 ~~service provided by the local exchange carrier and that is not~~
21 ~~offered at prices that are required by law to be approved and on~~
22 ~~file with the commission~~