

# SENATE BILL No. 1096

March 16, 2004, Introduced by Senators JACOBS, BERNERO and BRATER and referred to the Committee on Technology and Energy.

A bill to amend 1991 PA 179, entitled  
"Michigan telecommunications act,"  
by amending section 305 (MCL 484.2305), as amended by 1995 PA  
216.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 305. (1) A provider of basic local exchange service  
2 shall not do any of the following:

3           (a) Discriminate against another provider by refusing or  
4 delaying access service to the local exchange.

5           (b) Refuse or delay interconnections or provide inferior  
6 connections to another provider.

7           (c) Degrade the quality of access service provided to another  
8 provider.

9           (d) Impair the speed, quality, or efficiency of lines used by  
10 another provider.

1 (e) Develop new services to take advantage of planned but not  
2 publicly known changes in the underlying network.

3 (f) Refuse or delay a request of another provider for  
4 information regarding the technical design, equipment  
5 capabilities and features, geographic coverage, and traffic  
6 patterns of the local exchange network.

7 (g) Refuse or delay access service or be unreasonable in  
8 connecting another provider to the local exchange whose product  
9 or service requires novel or specialized access service  
10 requirements.

11 (h) Upon a request, fail to fully disclose in a timely manner  
12 all available information necessary for the design of equipment  
13 that will meet the specifications of the local exchange network.

14 (i) Discriminate against any provider or any party who  
15 requests the information for commercial purposes in the  
16 dissemination of customer proprietary information. A provider  
17 shall provide without unreasonable discrimination or delay  
18 telephone directory listing information and related services to  
19 persons purchasing telephone directory listing information to the  
20 same extent and in the same quality as provided to the provider,  
21 affiliates of the provider, or any other listing information  
22 purchaser.

23 (j) Refuse or delay access service by any person to another  
24 provider.

25 (k) Sell, lease, or otherwise transfer an asset to an  
26 affiliate for an amount less than the fair market value of the  
27 asset.

1           (l) Buy, lease, or otherwise acquire an asset from an  
2 affiliate of the provider for an amount greater than the fair  
3 market value of the asset.

4           (m) Bundle unwanted services or products for sale or lease to  
5 another provider.

6           (n) Perform any act that has been prohibited by this act or  
7 an order of the commission.

8           (o) Sell services or products, extend credit, or offer other  
9 terms and conditions on more favorable terms to an affiliate of  
10 the provider than the provider offers to other providers.

11          (p) Discriminate in favor of an affiliated burglar and fire  
12 alarm service over a similar service offered by another  
13 provider.

14          (2) A provider of cellular telecommunication services shall  
15 not do ~~either~~ **any** of the following:

16          (a) Unreasonably provide services, extend credit, or offer  
17 other terms and conditions on more favorable terms to an  
18 affiliate of the provider or to its retail department that sells  
19 to end users than the provider offers to other providers.

20          (b) Unreasonably use rates or proceeds from providers,  
21 directly or indirectly, to subsidize or offset the costs of  
22 cellular service offered by the provider, or an affiliate of the  
23 provider, to other providers or to end-users.

24          (c) **Unreasonably assess a charge or fee that penalizes a**  
25 **customer for terminating a service contract prior to the**  
26 **contract's expiration date. The charge or fee shall be the**  
27 **actual cost to the provider or \$15.00, whichever is less.**

1           (3) Until a provider has complied with section 304a, the  
2 provider of a rate regulated service shall not provide that  
3 service in combination with an unregulated service in section 401  
4 or an unbundled or resold service under section 357 at a price  
5 that does not exceed the total service long run incremental cost  
6 of each service.