

# HOUSE BILL No. 5858

March 14, 2006, Introduced by Rep. Sak and referred to the Committee on Energy and Technology.

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 305 (MCL 484.2305), as amended by 2005 PA 235.

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

1           Sec. 305. **(1)** A provider of basic local exchange service shall  
2 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

1 provider.

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

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

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

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

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

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

25 (j) Refuse or delay access service by any person to another  
26 provider.

27 (k) Sell, lease, or otherwise transfer an asset to an

1 affiliate for an amount less than the fair market value of the  
2 asset.

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

6 (m) Bundle unwanted services or products for sale or lease to  
7 another provider.

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

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

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

15 **(2) A PROVIDER OF WIRELESS OR CELLULAR COMMUNICATION SERVICES**  
16 **OR ANY OTHER PERSON SHALL NOT SELL OR OFFER TO SELL ANY TYPE OF**  
17 **CUSTOMER INFORMATION TO ANOTHER PERSON WITHOUT THE WRITTEN CONSENT**  
18 **OF THE CUSTOMER. THIS SUBSECTION PROHIBITS ALL OF THE FOLLOWING:**

19 **(A) TO USE FALSE, FICTITIOUS, OR FRAUDULENT STATEMENTS OR**  
20 **DOCUMENTS TO GET CUSTOMER INFORMATION FROM A PROVIDER OR DIRECTLY**  
21 **FROM A CUSTOMER.**

22 **(B) TO USE FORGED, COUNTERFEIT, LOST, OR STOLEN DOCUMENTS TO**  
23 **GET CUSTOMER INFORMATION FROM A PROVIDER OR DIRECTLY FROM A**  
24 **CUSTOMER.**

25 **(C) TO ASK ANOTHER PERSON TO GET SOMEONE ELSE'S CUSTOMER**  
26 **INFORMATION USING FALSE, FICTITIOUS, OR FRAUDULENT STATEMENTS OR**  
27 **USING FALSE, FICTITIOUS, OR FRAUDULENT DOCUMENTS OR FORGED,**

1 **COUNTERFEIT, LOST, OR STOLEN DOCUMENTS.**

2           Enacting section 1. This amendatory act does not take effect  
3 unless Senate Bill No.\_\_\_\_ or House Bill No. 5857(request no.  
4 05771'06) of the 93rd Legislature is enacted into law.