

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 3395

(SENATE AUTHORS: SPARKS)

DATE	D-PG	OFFICIAL STATUS
03/31/2016	5428	Introduction and first reading Referred to Jobs, Agriculture and Rural Development

1.1 A bill for an act

1.2 relating to telecommunications; providing for an informal dispute resolution

1.3 process; standardizing consumer billing practices; requiring intrastate call

1.4 completion; providing for registration of wholesale transport providers; adding

1.5 definitions; amending Minnesota Statutes 2014, section 237.01, by adding

1.6 subdivisions; proposing coding for new law in Minnesota Statutes, chapter 237.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2014, section 237.01, is amended by adding a

1.9 subdivision to read:

1.10 Subd. 5a. **Telecommunications.** "Telecommunications" means the transmission of

1.11 information of the user's choosing between or among points specified by the user without

1.12 change in the form or content of the information as sent and received, regardless of the

1.13 technology used in the transmission path.

1.14 Sec. 2. Minnesota Statutes 2014, section 237.01, is amended by adding a subdivision

1.15 to read:

1.16 Subd. 6a. **Telecommunications service.** "Telecommunications service" means the

1.17 offering of telecommunications for a fee directly to the public or to such classes of users

1.18 as to be effectively available to the public regardless of the facilities or technology used.

1.19 Sec. 3. Minnesota Statutes 2014, section 237.01, is amended by adding a subdivision

1.20 to read:

1.21 Subd. 7a. **Telephone utility.** "Telephone utility" means any person, firm,

1.22 partnership, cooperative organization, or corporation engaged in the furnishing of

1.23 telecommunications service to the public under the jurisdiction of the commission.

2.1 Sec. 4. Minnesota Statutes 2014, section 237.01, is amended by adding a subdivision  
2.2 to read:

2.3 Subd. 9. **Wholesale transport provider.** "Wholesale transport provider" means any  
2.4 person, firm, association, or corporation that carries, delivers, routes, or transports any  
2.5 telecommunications service, regardless of the technology used, on behalf of a telephone  
2.6 utility or another wholesale transport provider, but is not certified in Minnesota to provide  
2.7 retail telecommunications service to the public.

2.8 Sec. 5. **[237.078] INFORMAL REVIEW AND RESOLUTION OF DISPUTES.**

2.9 (a) A telephone utility that is unable to resolve a dispute with another telephone  
2.10 utility concerning a matter subject to commission jurisdiction may file a petition for an  
2.11 informal review of the dispute by the department.

2.12 (b) The petitioning telephone utility requesting the informal review must provide a  
2.13 copy of the petition to the other telephone utility involved in the dispute. Upon receipt of a  
2.14 request for informal review, the department must notify the telephone utilities within three  
2.15 days of the procedures to be followed under the informal review process.

2.16 (c) The respondent telephone utility must answer the allegations stated in the  
2.17 petition within five business days of receipt of the petition. The answer must advise  
2.18 the petitioning telephone utility and the department of the respondent telephone utility's  
2.19 proposed resolution to the dispute, or provide a timetable to complete an investigation  
2.20 and propose a resolution.

2.21 (d) The petitioning telephone utility must file a response to the respondent telephone  
2.22 utility's answer within five business days to inform the respondent telephone utility and  
2.23 department whether the proposed resolution or proposed timetable is acceptable. If the  
2.24 respondent telephone utility's resolution is deemed acceptable, the petitioning telephone  
2.25 utility must notify the department and the respondent telephone utility that the department  
2.26 may suspend or terminate the informal review process. If the resolution proposed by the  
2.27 respondent telephone utility is not acceptable, the petitioning telephone utility must state  
2.28 how the proposal may be modified to be acceptable. If the respondent telephone utility's  
2.29 answer proposes a timetable to complete any investigation and offer a resolution that the  
2.30 petitioning telephone utility deems unacceptable, the petitioning telephone utility must  
2.31 identify any harm that may occur as a result of the proposed timetable.

2.32 (e) If a dispute remains after the answer and response are filed, the department  
2.33 must make reasonable efforts to gather any additional facts and investigate alternatives  
2.34 to resolve the dispute within 20 calendar days of the date of its receipt of the petitioning  
2.35 telephone utility's response. The petitioning and respondent telephone utilities must

provide any documents, data, or other information requested by the department and needed to evaluate the dispute within five business days of the department's request, or as expeditiously as possible if the information requested cannot be provided within the five business days. The department must work with the telephone utilities to explore alternatives and provide guidance regarding how the department believes the matter should be resolved. The department may dismiss a petition for informal review if the department finds the complaint to be without merit. A dismissal by the department under this paragraph does not prejudice the petitioning telephone utility from filing a formal complaint with the Public Utilities Commission.

(f) The department may petition the commission for review of a dispute or complaint in any case the department deems is appropriate.

(g) While a dispute is subject to an informal review by the department under this section, a telephone utility is prohibited from terminating the telephone utility's telecommunications service, subject to the right to terminate service as otherwise permitted by law.

**Sec. 6. [237.102] CUSTOMER BILLING.**

(a) Bills to customers from telephone utilities must be rendered regularly, and must contain an itemized listing of all charges and the period of time covered by the billing. Taxes and fees collected and remitted as mandated by law shall be separately identified, itemized, and distinguished from the service charges on the bill.

(b) When charges from two or more carriers appear on the same telephone bill, the charges must be itemized by each service provider. The name of the service provider associated with each charge must be clearly and conspicuously identified on the bill.

(c) The bill must include a brief, clear, nonmisleading description of each service for which a charge is included. The bill must be sufficiently clear in presentation and specific in content so the customer can determine that the billed charges accurately reflect the service requested and received. Any rates, charges, or fees collected by the telephone utility that are not required to be remitted by state or federal law and that are not included in the telephone utility's tariff or price list must not be charged to the customer, unless the rate, charge, or fee is otherwise approved by the commission.

(d) The bill may only include charges for services that have been requested by the customer or by individuals authorized to request services on behalf of the customer.

(e) Charges billed to a customer must not exceed the price stated in any related offers or advertisements as the regular price for the service, including any fractional

4.1 monthly amounts, with the exception of taxes and fees collected and remitted for required  
4.2 government programs.

4.3 (f) Applicants for initial service, and existing customers initiating a change in  
4.4 service that results in the addition of a service or a change in rates, terms, and conditions  
4.5 of an existing service, must be provided a written confirmation notice. The customer may  
4.6 elect to receive the confirmation notice electronically. The confirmation notice must  
4.7 include a description of the services that will be provided to the customer by the telephone  
4.8 utility, the rate for each service, and the total monthly amount the customer will be billed,  
4.9 including (1) all rates, charges, and fees collected by the telephone utility that are not  
4.10 remitted for government programs, and (2) any monthly charges that are billed by the  
4.11 telephone utility on behalf of another entity.

4.12 (g) Bills must include a company telephone number the customer may contact with  
4.13 billing questions or concerns. Each bill must also provide the Public Utility Commission's  
4.14 telephone number.

4.15 (h) Customers must not be assessed an additional charge or fee to obtain a single  
4.16 paper bill per month, but a discount may be offered and applied to customers that  
4.17 affirmatively agree to receive an electronic bill.

4.18 **Sec. 7. [237.131] INTRASTATE CALL ROUTING.**

4.19 Subdivision 1. **Certain practices prohibited.** (a) A telephone utility shall not  
4.20 participate in the adoption or perpetuation of intrastate call routing practices that  
4.21 result in the blocking, restriction, or interference with the completion of calls for any  
4.22 reason, including to avoid the cost to terminate the call. All contracts, agreements, or  
4.23 arrangements with underlying providers to deliver traffic on behalf of the telephone utility  
4.24 must not contain terms that are inconsistent with this section.

4.25 (b) Telephone utilities and registered wholesale transport providers are prohibited  
4.26 from knowingly contracting with a wholesale transport provider that is not registered  
4.27 with the commission under section 237.132.

4.28 Subd. 2. **Termination failure.** Upon learning a call has failed to terminate,  
4.29 a telephone utility must:

4.30 (1) contact other known telephone utilities with customers affected by the call  
4.31 failure, so those telephone utilities may notify the affected customers, whether a calling or  
4.32 called customer, of the call failure;

4.33 (2) cooperate with other known telephone utilities to determine the reason for the  
4.34 call failure and how to avoid future call failures; and

4.35 (3) retain the information for at least one year.

5.1            Subd. 3. **Liability.** A telephone utility is liable under this section and is subject to  
5.2            section 237.461 for the actions of a wholesale transport provider used to deliver traffic  
5.3            on its behalf if:

5.4            (1) the wholesale transport provider is an agent, contractor, or subcontractor of the  
5.5            telephone utility, or is employed by the telephone utility; and

5.6            (2) the telephone utility knew or should have known of the wholesale transport  
5.7            provider's actions.

5.8            Sec. 8. **[237.132] REGISTRATION OF WHOLESALE TRANSPORT**  
5.9            **PROVIDERS.**

5.10           (a) A wholesale transport provider shall file a registration with the commission that  
5.11           includes the company name, address, a contact name, and a telephone number that will  
5.12           be answered 24 hours each day, seven days a week, to address any failures of calls to  
5.13           complete within Minnesota. The contacts provided by each entity should be well-versed  
5.14           in the subject matter of call routing and call completion. Wholesale transport providers are  
5.15           subject to regulation under this chapter only to the extent required under section 237.131.

5.16           (b) The department shall maintain a contact list of all registered wholesale transport  
5.17           providers on its Web site to enable expeditious resolution of any call routing and call  
5.18           completion problems involving wholesale transport providers.

5.19           (c) Wholesale transport providers shall update their registration information when  
5.20           changes occur, but no less than annually.