



Ohio Legislative Service Commission

Synopsis of House Committee Amendments*

Maura McClelland

Sub. S.B. 162

128th General Assembly
(H. Public Utilities)

Definitions

Defines "local exchange carrier," for purposes of describing persons who provide telephone exchange service and access to such service for providing telephone toll service, defining "incumbent local exchange carrier," and determining on whom the Community-voicemail Service Pilot Program assessment is imposed.

Removes the phrase "data, video, and voice" from the definition of "internet protocol-enabled services."

Removes the phrase "basic local exchange" with respect to service access lines from the definition of "small business."

Changes the definition of "local service area" by providing a customer exemption from "being assessed long distance toll charges" instead of "no additional charge."

Specifies that "internet protocol-enabled services," although excluded from the definition of "public utility," are still subject to the PUCO's exercise of authority in certain cases.

PUCO jurisdiction

Limits the PUCO's jurisdiction over internet protocol-enabled services (including voice over internet protocol) unless the PUCO finds authority necessary for the protection, welfare, and safety of the public.

Grants the Office of the Ohio Consumers' Counsel authority to represent residential customers regarding a service for which the PUCO adopts rules for the protection, welfare, and safety of the public.

* This synopsis does not address amendments that may have been adopted on the House Floor.

Specifies that the PUCO's limited jurisdiction over wireless service is an exception to the PUCO's jurisdiction over a telecommunications carrier granted to the extent necessary to perform federal obligations.

Specifies that the PUCO's authority under the federal Telecommunication Act of 1996 includes authority over the provision of universal-service funding.

Specifies that, with certain exceptions, the new telecommunications provisions in the bill do not prevent any public utility or railroad from granting property for public purposes or granting reduced rates or free service to government entities.

Unfair or deceptive acts or practices

Permits the PUCO to review when disclosure of certain telephone-company communications is not practicable, and therefore nondisclosure does not constitute an unfair or deceptive act or practice.

Service standards for basic local exchange service

Requires telephone companies to make reasonable efforts to repair outages within 24 hours, excluding Sundays and legal holidays, after outages are reported.

Expands customer credits for outages to every affected customer of which telephone companies are aware and permits companies not to credit customers who cause outages.

Requires a due date of not earlier than 14 days after the date that a bill is postmarked, rather than the later of that date or the billing date on the bill.

Requires reconnection of service disconnected for nonpayment not later than one business day after receipt of the full amount owed or the first payment in a payment arrangement, except under circumstances beyond a telephone company's control or if the customer requests otherwise.

9-1-1 Service

Requires 14-day continued 9-1-1 service after disconnection for nonpayment for all customers of telephone exchange service.

Waiver of carrier-of-last-resort obligation

Requires an application for a waiver of the carrier-of-last-resort obligation to include the reason for the waiver, the number of persons or entities potentially impacted, and the alternatives available to them.

Requires a waiver applicant to publish notice of the application in a newspaper of general circulation and provide additional notice to affected persons or entities as required by the PUCO.

Requires public hearings on waiver applications in the service area identified in the application.

Grants the PUCO 120 days to make a determination on a waiver application.

Requires a waiver applicant to demonstrate a financial hardship or unusual technical limitation to be granted a waiver.

Rate alterations for basic local exchange service

Permits unlimited rate alterations, but limits the total amount of annual upward alterations to the annual amount in current law governing alternative regulation.

Establishes annual periods, for carriers with exchange areas that had not, prior to the bill's effective date, qualified for pricing flexibility under current law, beginning on the 31st day after the carrier applies under the bill for a determination of competitiveness of the exchange area.

Permits carriers with exchange areas that had qualified for pricing flexibility under current law to choose not to make any filing with the PUCO to upwardly alter rates.

Prohibits an incumbent local exchange carrier, before January 1, 2012, from altering upward its rates for lifeline customers.

Lifeline service

Requires the Lifeline Advisory Board to also include two representatives from the Ohio Association of Community Action Agencies.

Requires, regarding the low-income assistance program test for lifeline eligibility, that the low-income program be specified in PUCO rules instead of approved by the PUCO or the Federal Communications Commission.

Requires the PUCO to establish rules for automatic enrollment and explicitly requires implementation of automatic enrollment.

Specifies that if a carrier's method of recovery of lifeline expenses or discounts includes a surcharge, the PUCO is to determine how the surcharge is identified on customer bills.

Requires carriers to file an annual report with the PUCO on the number of the carriers' lifeline customers.

Notice of rate changes

Specifies that longer notice periods under the bill for certain rate changes and service charges constitute exceptions to the 15-day notice requirement for material changes in rates.

Adjudication of disputes

Removes the provision permitting disputes between telephone companies and providers of internet protocol-enabled services, including voice over internet protocol service, to be brought to the PUCO under the bill's complaint procedure.

Community-voicemail Service Pilot Program

Requires the PUCO to implement, for those who have no traditional access to telephone service, a two-year Community-voicemail Service Pilot Program, in one rural and one urban area in Ohio, through a competitive-bidding process for selection of vendors to implement the program.

Requires the imposition of an assessment on all local exchange carriers for program costs, which may not exceed \$500,000, and forfeitures for carriers who do not comply with the assessment requirements.

Select Committee on Telecommunications Regulatory Reform

Requires the Committee's study to include a report on the Community-voicemail Service Pilot Program.

Grants the Committee four years after the bill's effective date to submit its report to the General Assembly instead of three.

Offender-monitoring devices

Requires an offender-monitoring device to be specially designed for electronic monitoring and requires the device to provide a means of text-based or voice communication.