

STATE OF CALIFORNIA

Public Utilities Commission
San Francisco

M e m o r a n d u m

Date: June 4, 2002

To: The Commission
(Meeting of June 6, 2002)

From: Bill Julian
Office of Governmental Affairs (OGA) — Sacramento

Subject: **AB 669 (Hertzberg)** – State nonemergency telephone number system

As Amended May 20, 2002

RECOMMENDATION: REMAIN NEUTRAL ON BILL

SUMMARY:

AB 669 would authorize every local public agency to establish a non-emergency telephone system and would designate the digits “311” as the primary non-emergency telephone number within the system. This 311 system would be funded by a state-imposed surcharge of $\frac{1}{4}$ of 1% on intrastate telephone communication services.

ANALYSIS:

The Telecommunications Division recommends that the CPUC take a neutral position on the bill. The Division of Telecommunications of the Department of General Services is the state agency authorized by the bill to provide oversight and implementation of the bill. The CPUC has no direct involvement with implementation of the bill. The bill or a reasonable facsimile has been introduced in previous legislative sessions, and was vetoed last year by the governor. The bill appears to be consumer oriented because it seeks to make the emergency response system more efficient. Because the bill authorizes an additional surcharge on telephone users to support the new service, there should be ample evidence to support the increase. The 911 systems in the state are deployed by many different jurisdictions, including individual cities, a group of neighboring cities and government entities, and on a countywide basis in some cases. While 911 systems are overburdened in some jurisdictions, TD is not aware of a

widespread, statewide breakdown of 911 emergency systems. The FCC has already set aside the "311" prefix for non-emergency service calls and individual entities already have the ability to implement a non-emergency 311 system if they so choose. The bill exempts Commercial Mobile Radio Service (CMRS) providers or wireless carriers until January 1, 2007. TD strongly opposes granting any exemption to wireless carriers for two reasons. First, it is not competitively neutral when wireline carriers are required to comply. Second, the wireless industry has a poor track record of complying even with subsequent deadlines in cases where they were initially granted exemptions. This bill contains intent language indicating the following:

LEGISLATIVE HISTORY

The bill or a reasonable facsimile has been introduced in previous legislative sessions, and was vetoed last year by the governor. Two years ago it was introduced as AB 2837. Last year the bill was introduced as AB 1477. The governor vetoed the bill in both 2000 and 2001. His veto message in 2001 read in part:

"While I agree with the author that the 911 emergency system is overburdened in some jurisdictions, I believe that the solution provided by AB 1477 is unnecessary at this time. First, DGS has conducted research on the implementation of non-emergency pilot projects and has recommended that the State not invest in a 311 system without conclusive information regarding the relative benefits of such a program. Because this bill would authorize an additional surcharge on telephone users to support this program, there should be ample justification to support the proposed level of the increase. However, none of the pilot studies authorized by previous legislation have been able to provide this justification. In addition, local governments are already authorized to impose telephone surcharges on users within their jurisdictions, and may use those revenues to establish non-emergency telephone systems. To the extent that individual communities determine a 311 program to be beneficial, local jurisdictions may implement such programs under existing law and I would encourage such a local initiative.

FISCAL IMPACT

None to the CPUC.

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DATE: May 31, 2002

BJ:cdl

BILL LANGUAGE:

BILL NUMBER: SB 1903 AMENDED
BILL TEXT

AMENDED IN SENATE MAY 20, 2002
AMENDED IN SENATE APRIL 23, 2002

INTRODUCED BY Senator O'Connell

FEBRUARY 22, 2002

An act to add Section 2890.2 to the Public Utilities Code,
relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 1903, as amended, O'Connell. Commercial mobile radio service providers: subscriber protection.

Existing law requires any person, corporation, or billing agent that charges subscribers for products or services on a telephone bill to, among other things, include in the telephone bill the amount being charged for each product or service, including any taxes or surcharges, and a clear and concise description of the service or product.

This bill would require a provider of commercial mobile radio service, as defined, to provide subscribers with a means by which a subscriber can obtain current information on the subscriber's calling plan or plans and service usage. The bill would require the commission to adopt regulations *that become effective no later than January 1, 2004*, to implement this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Commercial mobile radio service subscribers are currently unable to monitor their call time minutes and, as a result, they face higher rates because they unknowingly exceed the number of minutes allowed under their plan.

(b) Commercial mobile radio service subscribers need reasonably accurate information relative to their current service usage in order to enable them to better utilize their particular calling plan.

(c) Providing commercial mobile radio service subscribers with a reasonable estimate that includes a differentiation between the types of minutes covered by their plan, such as "peak" versus "free" minutes, will enable subscribers to make informed decisions about their commercial mobile radio service.

(d) The Legislature intends to require the provision of reasonably available usage information only from those commercial mobile radio service providers that do not currently provide that information to their subscribers.

(e) Technology exists to provide commercial mobile radio service subscribers with reasonably accurate information relative to their current service usage, and this type of information is regularly being made available by other providers of communications and information services, such as cellular telephone providers, Internet Web sites, and traditional telephone customer service providers, such as 1-800 telephone number providers.

(f) The Legislature intends that current usage information to be provided to commercial mobile radio service subscribers be a reasonable estimate of the cumulative usage during the billing cycle as of a specific time on the prior business day, such as 5:00 p.m. on the previous day, irrespective of the day during the billing cycle on which that information is requested.

(g) Notwithstanding subdivision (f), the Legislature intends that the Public Utilities Commission take appropriate consideration, and address, "roaming" minutes incurred when a commercial mobile radio service subscriber is outside his or her plan coverage area, and there is a delay in the subscriber's minutes being reported back to the subscriber's commercial mobile radio service provider by another provider.

SEC. 2. Section 2890.2 is added to the Public Utilities Code, to read:

2890.2. (a) A provider of commercial mobile radio service, as defined in Section 2892, shall provide subscribers with a means by which a subscriber can obtain current information on the subscriber's calling plan or plans and service usage.

(b) The commission shall adopt regulations, as it determines to be necessary, *that become effective no later than January 1, 2004*, to implement the requirement in subdivision (a).