

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1093

2001 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1093

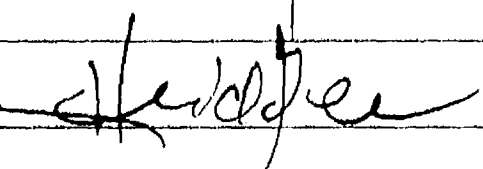
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1093

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date Jan 17, 2001

Tape Number	Side A	Side B	Meter #
2	X		9,59-15
Committee Clerk Signature 			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Ilona A. Jeffcoat-Sacco: *Public Service Commissioner* **Written testimony sponsoring bill**

Rep. Ekstrom: How many slamming and cramming complaints are we receiving at present?

Ilona: About 5 complaints, this is reduced since last session.

Rep. Ekstrom: Do we have to revisit the statutes every session?

Ilona: I don't see that happening.

Chairman Berg: We'll close the hearing on HB 1093. What are the committee's wishes?

Rep. Klein: I move a do pass.

Rep. Kasper: I second.

14 yeas, 0 nays, 1 absent

Carrier Rep Ekstrom

Date: 1-17-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~Click here to type Bill/Resolution No.~~ 1098

House Industry, Business and Labor Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Klein Seconded By Kasper

Representatives	Yes	No	Representatives	Yes	No
•Chairman- Rick Berg	✓		Rep. Jim Kasper	✓	
•Vice-Chairman George Keiser	✓		Rep. Matthew M. Klein	✓	
Rep. Mary Ekstorm	✓		•Rep. Myron Koppang	✓	
Rep. Rod Froelich	✓		Rep. Doug Lemieux	✓	
Rep. Glen Froseth	✓		•Rep. Bill Pietsch	✓	
•Rep. Roxanne Jensen	✓		•Rep. Dan Ruby	✓	
•Rep. Nancy Johnson	✓		•Rep. Dale C. Severson	✓	
			Rep. Elwood Thorpe		

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep Ekstorm

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 17, 2001 4:50 p.m.

Module No: HR-07-1179
Carrier: Ekstrom
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1093: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends
DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1093 was placed
on the Eleventh order on the calendar.

2001 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1093

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1093

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date February 20, 2001.

Tape Number	Side A	Side B	Meter #
1	x		3.2 to 9.5
Committee Clerk Signature <i>Doris C. Perez</i>			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on HB 1093 relating to unauthorized charges in telecommunications service and providers.

Illona A Jeffcoat-Sacco, Public Service Commission. Written testimony attached. Intent to reenact the statutory authority for the Public Service Commission to enforce FCC rules.

Senator Espgaard: What is slamming?

I Jeffcoat-Sacco: Unauthorized change in services without customer's approval. It is a good idea for the state to handle all slamming, since frequently there is inter and intrastate slamming.

Senator Mutch: Is this a big problem in North Dakota?

I Jeffcoat-Sacco: The problem has been reduced but not eliminated.

No opposing testimony. Hearing closed.

Senator Tollefson: Motion : do pass. **Senator Krebsbach**: Second.

Roll call vote: 7 yes; 0 no. Motion carried. Floor assignment : **Senator Tollefson**.

Date: Feb 20/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1093

Senate Industry, Business and Labor

Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Sen. Tolleson Seconded By Sen. Woodruff

[illegible]

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Tolleson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 20, 2001 11:03 a.m.

Module No: SR-31-3972
Carrier: Tollefson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1093: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1093 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

HB 1093

H.B. 1093

Presented by: Illona A. Jeffcoat-Sacco
Public Service Commission

Before: House Industry Business and Labor Committee
Honorable Rick Berg, Chairman

Date: 17 January 2001

TESTIMONY

Chairman Berg and members of the Industry, Business and Labor Committee, I am Illona Jeffcoat-Sacco, the director of the Public Utilities Division of the Public Service Commission. H.B. 1093 was introduced at the request of the Public Service Commission and I represent the Commission with my testimony here today.

In 1999, the legislature passed North Dakota's slamming and cramming law, N.D.C.C. section 49-21-02.4. This law required telephone companies to comply with the rules of the Federal Communications Commission (FCC) regarding unauthorized changes in service or carriers, and authorized the Public Service Commission to enforce those FCC rules.

Section 49-21-02.4 was, if you will, an adoption of the FCC slamming rules by reference. Consequently, any changes in those rules after adoption by the 1999 legislature are not adopted by that enactment. Between 1999 and today the FCC did adopt substantial changes to their rules concerning liability for toll charges that may result from slamming, and the appropriate process to use to

handle and resolve slamming complaints. These changes were adopted in large part in response to concerns raised by both industry and consumers.

The revised rules eventually promulgated by the FCC included, in response to a suggestion from state utility commissions, authorization for states to handle "federal" slamming complaints related to each respective state, including those involving interstate service and those received by the FCC. States may opt to handle all such complaints by notifying the FCC of their intent to do so and providing a summary of the state procedures that will be used. The option provides an opportunity for both customers and utilities to deal with slamming complaints close to home in an environment that is both familiar and "user friendly."

The North Dakota Public Service Commission has notified the FCC that the state legislature needs to reenact the statute prior to any Public Service Commission decision to handle "federal" North Dakota slamming complaints. A copy of the Public Service Commission's letter to the FCC and a copy of a press release from the National Association of Regulatory Utility Commissioners are attached to this testimony.

This completes my testimony. I will be happy to answer any questions you may have.



Public Service Commission
State of North Dakota

COMMISSIONERS

Bruce Hagen
President
Susan E. Wefald
Leo M. Reinbold

22 November 2000

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Executive Secretary
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Magalie Roman Salas
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Washington, D.C. 20554

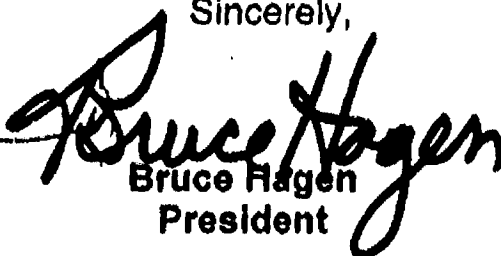
The 1999 North Dakota legislature enacted North Dakota Century Code section 49-21-02.4, a statute requiring telecommunications companies in North Dakota to comply with the Federal Communication Commission's slamming rules and authorizing the North Dakota Public Service Commission to enforce those rules. A copy of that statute is enclosed.

Due to the fact that the FCC rules have changed somewhat since the enactment of the statute in North Dakota, the statutory authority for the Commission to enforce the FCC rules must be re-enacted to incorporate the current rule provisions, rather than those in effect when the 1999 statute was enacted. For this reason, we cannot at this time opt in to the FCC proposal for states to handle all FCC and state slamming complaints.

However, we intend to propose legislation in the 2001 session to reenact the enforcement authority and plan to opt in to the FCC plan when the legislation becomes effective. We expect no problems with the passage of the proposed bill and we expect an effective date no later than 1 August 2001.

Sincerely,


Susan Wefald
Commissioner


Bruce Hagen
President


Leo M. Reinbold
Commissioner

c: FCC Consumer Information Bureau Chief

Wefald, Susan E.

From: Ramsay, James [ramsay@naruc.org]
Sent: Tuesday, November 28, 2000 5:13 PM
To: NARUC Committee on Consumer Affairs
Cc: Gray, Charles
Subject: NARUC PRESS RELEASE - 32 STATES "OPT IN" TO FCC SLAMMING RULES

Contact: Brad Ramsay

Federal Communications Commission's revised telephone "slamming" rules NOW IN EFFECT
THIRTY-TWO STATES have Opted In Already - More expected to participate in the Program.

Washington, D.C. - "Slamming," the single largest source of complaints to the Commission over the last several years, is the unauthorized change of a consumer's preferred telephone carrier. The Federal Communications Commission's Common Carrier Bureau announced earlier that the revised telephone slamming liability rules adopted earlier this year will take effect today, November 28, 2000.

Currently, thirty-two states have filed letters opting into the program, including, Alabama, Arkansas, Connecticut, Colorado, District of Columbia, Florida, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New York, New Hampshire, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming. In addition, both North Dakota and Idaho filed letters with the FCC suggesting they are likely to opt in shortly after additional procedures are completed.

NARUC Consumer Affairs Chairman, Washington UTC Commissioner Bill Gillis said:

"The FCC has worked long and hard with the States to get this program up and running. The entire Bureau Staff is to be especially commended as well as the leadership exhibited by the FCC Commissioners in implementing this proposal. I'm certain that even more states will be opting into the program soon. I'd also like to thank the hard working staff of the NARUC Committee on Consumer Affairs for their work on Best Practices and in helping to coordinate discussions on implementation issues."

"Finally, I should point out that I honestly believe this approach - which leverages the enforcement efforts and fining/refund authority of the individual states and the FCC - will take the profit out of slamming, increase the incentives for authorized carriers to go after slammers, and help provide the maximum relief for consumers."

James Bradford Ramsay
General Counsel
National Association of Regulatory Utility Commissioners
1101 Vermont Avenue, Suite 200
Washington, DC 20005

Phone: 202.898.2207
Fax: 202.898.2213
E-Mail: jramsay@naruc.org

H.B. 1093

Presented by: Illona A. Jeffcoat-Sacco
Public Service Commission

Before: Senate Industry Business and Labor Committee
Honorable Duane Mutch, Chairman

Date: 20 February 2001

TESTIMONY

Chairman Mutch and members of the Industry, Business and Labor Committee, I am Illona Jeffcoat-Sacco, the director of the Public Utilities Division of the Public Service Commission. H.B. 1093 was introduced at the request of the Public Service Commission and I represent the Commission with my testimony here today.

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