

2001 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1446

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1446

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date Feb. 12, 2001

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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.

Rep Rachel Disrud: Sponsoring bill relating to prior written notification of price increases for essential and nonessential telecommunications services. This bill was drafted to clarify and enhance trust with the provider. This brings every company into compliance and creates an even playing field.

Susan E. Wefald: (6.0) Public Service Commissioner Written testimony in support of bill.

Leo Reinbold: Public Service Comm. Written testimony in support of bill.

Ren Koppang: Define the difference between essential & nonessential.

Wefald: Services that are basic, local calls, are essential. Long distance is nonessential.

<u>Tony Clark:</u> Insurance Commissioner 1 support this because it increase the flow in communication.

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Rep Severson: Is there a penalty for not complying?

Clark: Up to \$5,000 per violation.

Tom Kelsch: AT&T We oppose this on regard of expanse.

Kent Blickensderfer: Qwest Corp Written testimony in opposition to bill.

Rep Ekstrom: Why is this more of a burden?

Blickensderfer: Why create more laws for an already highly competitive industry.

Rep M. Klein: Does Qwest already do this?

<u>Blickensderfer:</u> Yes, 20 days before essential services we inform the customer and we inform the Public Service Commissioner of nonessential services.

<u>David Crothers:</u> We are opposed to this bill for the following reasons. The word pre subscribed in the bill, we very rarely ever have an increase in rates, and only so many characters can be put on a bill before the cost increases.

Rep M. Klein: Do your companies notify of price increases?

Crothers: They've never had a price increase so they don't apply.

Rep Kasper: Do you notify of a price decrease?

<u>Crothers:</u> That is mainly in the marketing.

Chairman Berg: We'll close HB 1446.

Feb. 13, 2001 Tape 2 A 10.8-28.7

Rep Koppang: This is the bill dealing with written notification for telecommunications. It also had an amendment. Most companies seem to be doing this now and their prices are going down. This is a consumer friendly bill.

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<u>Chairman Berg:</u> The intent of this bill is good. The free market is regulating this by chance.

<u>Vice Chair Keiser:</u> The Public Service Commission have real strength over monopoly's and this isn't the issue here. Mandating bad businesses to match the good businesses is a wrong effort and is anti-business.

Rep Ruby: This only regulates long-distance with in the state.

Rep Koppang: I move the amendment.

Rep Lemieux: I second.

Rep Koppang: I move a do pass as amended.

Rep Lemieux: 1 second.

6 Yea, 9 Nay, 0 Absent Carrier Rep Koppang

Chairman Berg: Motion fails.

<u>Vice-Chair Keiser</u>: I move a do not pass as amended.

Rep Ruby: I second.

10 Yea, 5 Nay, 0 Absent Carrier Rep Pietsch

PROPOSED AMENDMENT TO HOUSE BILL NO. 1446

Page 1, line 2, remove "essential and"

Renumber accordingly

Date: 2-13-01
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. ++13 1446

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| Vice-Chairman George Keiser | | | Rep. Matthew M. Klein | | |
| Rep. Mary Ekstorm | | | Rep. Myron Koppang | | 1 |
| Rep. Rod Froelich | | | Rep. Doug Lemieux | | 1 |
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| Rep. Roxanne Jensen | | | Rep. Dan Ruby | العما | |
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REPORT OF STANDING COMMITTEE (410) February 14, 2001 12:38 p.m.

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REPORT OF STANDING COMMITTEE

HB 1446: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (10 YEAS, 5 NAYS, ABSENT AND NOT VOTING). HB 1446 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "essential and"

Renumber accordingly

2001 TESTIMONY HB 1446

House Bill 1446

Presented by: Kent Blickensderfer

Qwest Corporation

Before: House Industry, Business and Labor Committee

Representative Rick Berg, Chairman

Date: February 12, 2001

• Qwest opposes HB 1446 because it creates burdensome, unnecessary regulation on services that are already highly competitive.

- If customers don't like the service they are getting from one company, they may choose from a wide variety of toll providers in North Dakota.
- As a regulated company, Qwest already files price changes with the Public Service Commission prior to implementation on both essential and non-essential services. Non-essential services include intrastate toll. On essential services, such as basic dial tone, Qwest notifies customers of any changes at least 20 days prior to making them pursuant to 49-21-04.
- Toll prices are not increasing, they are decreasing. July 1, 2000 was the last time Qwest changed its intrastate toll rates. The new rates represented reductions of 23-30 percent and customers were notified via bill stuffers.
- Questions

HB 1446

Presented By: Susan E. Wefald

Public Service Commissioner

Before: House Industry, Business, and Labor Committee

Representative Rick Berg, Chairman

Date: February 12, 2001

TESTIMONY

Mr. Chairman and members of the House Committee on Industry, Business, and Labor, I am Public Service Commissioner Susan Wefald. I am in support of HB 1446.

Presently, many intrastate long distance providers are deregulated and are not required to file price changes with the Commission or to provide notice to customers of price increases.

One very frustrating problem for North Dakota telephone customers is that the prices they pay for long distance telephone services may change without notice. Although they may sign up for a plan for "7 cents a minute, all day every day," a few months later they may open their bill and see that they have been paying a higher charge for the most recent month due to a price change. They received no notification of the higher price until they received their bill.

A good example of this happened in the spring of 1999 when AT&T raised their intrastate prices from 10 cents a minute to 15 cents a minute. North Dakota AT&T Customers did not know about this change until they opened their bills and saw that they had been paying 15 cents a minute for intrastate long distance.

Within the 14 state Qwest region, seven states require notification to customers of price increases, with an advance notice ranging from one to 14 days. (See attached letter from MCI Worldcom dated December 8, 1999.

In competitive markets, it is important that customers have the ability to know about price increases before they happen, so that they are able to decide whether or not to change carriers. This is especially important for business customers who may incur hundreds of dollars of long distance charges a month.

Attached find sample price increase problems that North Dakotans encountered from September 1, 1999, to August 31, 2000.

At the present time, the Federal Communications Commission requires companies to indicate on customer bills when rates for long distance change. However, it can be up to a month before customers receive this notice on their bills. The legislation before you would allow business and residential customers to know in advance the long distance rate they are paying.

The attached amendment eliminates the words "essential and" in line 2 since the services referred to in Section 1 are only non essential telecommunications services.

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| I faxed o | orresponden | nce to AT& | T, asking them to d | heck into it and | let me know how | they resolve | on . |
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BY FACSIMILE AND U.S. MAIL

December 8, 1999

Kathy Fortney
Administrative Assistant
North Dakota Public Service Commission
600 East Boulevard
Bismarck, ND 58505

Dear Ms. Fortney:

This letter will respond to your recent inquiry concerning customer notification in the 14-state US WEST region. Seven states require notification to customers of rate increases, with an advance notice ranging from one to 14 days, as follows:

| | No. of Days |
|--------------|---|
| State | Prior to Effective Date |
| Arizona | anytime before the new rate becomes effective |
| Colorado | 14 days |
| Idaho | 10 days |
| Minnesota | 1 day |
| Nebraska | 10 days |
| South Dakota | 1 day |
| Washington | 10 days |
| | |

All seven states allow carriers to use various notification methods such as invoice messaging, separate mailing, and newspaper ads.

Do not hesitate to contact me at 303-390-6804, with any additional questions.

Sincerely,

Michel Murray

State Regulatory Manager

Western Public Policy 707 17th Street, Suite 3600 Denver, CO 80202 888 475 7419 Fax 303 390 6333 Public Utilities.

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| Post-It* Fax Note 7671 | Date 9-2 2 # of > / |
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| TO KATHY FULTARY | From P. Wilso |
| COLOND NDPSC | co. SPUC. |
| Phone # | Phone # 605-7273-3251 |
| FM 70132824K |) Fax = 605 - 773-389 |

bill shall contain a clear, concise the name of the telecommunications r where the subscriber may call with

DR 167, effective July 1, 1999.

Law Implemented: SDCL 49-31-3, 49-31-17, 49-31-65, 49-31-89.

20:10:34:10. Notification of increase in rates. Prior to changing any rate, term, or condition of service, a telecommunications company shall notify the subscriber of the change if it may result in an increase in rates. Written notification of an increase in rates shall be stated on the bill, a bill insert, or a separate letter for each customer who has pre-subscribed to the company for toll or local exchange service. If the customer has not pre-subscribed to the company, notification of an increase in rates shall be made through newspaper publication or by any other reasonable means.

Source: 25 SDR 89, effective December 27, 1998; 25 SDR 167, effective July 1, 1999.

General Authority: SDCL 49-31-77, 49-31-85, 49-31-89.

Law Implemented: SDCL 49-31-3, 49-31-77, 49-31-85, 49-31-89.

20:10:34:10.01. Complaints of unauthorized billing of products or services. Upon receipt of an oral or written complaint alleging the billing of an unauthorized product or service from a subscriber, the subscriber's local exchange service company, or from the commission or its staff on behalf of a subscriber or applicant, the telecommunications company that initiated the billing shall provide documentation, within 30 days and without cost, that the billing was authorized. The documentation shall be provided to the person alleging the unauthorized billing. The company that initiates the billing is the company that requests billing for a product or service on behalf of a subscriber and seeks to provide the product or service to the subscriber. If a telecommunications company fails to provide the documentation, the charge is considered invalid.

The telecommunications company shall also notify the subscriber that if the subscriber is not satisfied with the documentation provided by the company, the subscriber may contact the commission. The telecommunications company shall provide the subscriber with the commission's toll free number.

Source: 25 SDR 167, effective July 1, 1999.

General Authority: SDCL 49-31-89.

Law Implemented: SDCL 49-31-89, 49-31-93.

20:10:34:11. Refund or credit of unauthorized charges — Payment for unauthorized charge — Opportunity for hearing. A telecommunications company which initiates billing for a product or service without authorization from the subscriber shall issue to the subscriber a full credit or refund of the entire amount of the unauthorized charges. The credit or refund must be issued within a period not to exceed 60 days from the date it is determined that the charge was unauthorized.

In addition, the telecommunications company shall pay the subscriber the amount required by SDCL 49-31-93 regardless of whether the subscriber has contacted the commission. Failure of the telecommunications company to pay the subscriber for an unauthorized charge may result in a civil fine as authorized by SDCL 49-31-94. If there is a dispute as to whether the charge was authorized, the subscriber or telecommunications company may request a hearing before the commission pursuant to SDCL chapter 1-26.