

SENATE BILL No. 1291

June 7, 2006, Introduced by Senators JACOBS, SWITALSKI, WHITMER, CHERRY, PRUSI, BRATER, OLSHOVE and EMERSON and referred to the Committee on Technology and Energy.

A bill to amend 1991 PA 179, entitled
"Michigan telecommunications act,"
(MCL 484.2101 to 484.2604) by adding sections 381, 382, 383, 384,
and 385.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 381. (1) THE SCOPE OF COMMISSION AUTHORITY REGARDING
2 WIRELESS TELECOMMUNICATIONS DOES NOT EXTEND TO THE REGULATION OF
3 MARKET ENTRY OR EXIT BY, THE ESTABLISHMENT OF RATES AND SERVICES
4 OFFERED BY, OR RATES OF RETURN EARNED BY WIRELESS
5 TELECOMMUNICATIONS PROVIDERS. THE COMMISSION MAY USE ITS AUTHORITY
6 IN THE OVERSIGHT OF MARKETING AND BILLING PRACTICES, SERVICE
7 QUALITY, PROVISION OF ACCURATE COVERAGE MAPS, AND RESOLUTION OF
8 DISPUTES BETWEEN WIRELESS TELECOMMUNICATIONS PROVIDERS AND THEIR

1 SUBSCRIBERS.

2 (2) THE COMMISSION SHALL ESTABLISH STANDARDS FOR, AND PUBLISH
3 INFORMATION REGARDING, THE QUALITY OF SERVICE ASSOCIATED WITH
4 WIRELESS TELECOMMUNICATIONS PROVIDERS OPERATING IN THE STATE,
5 INCLUDING CALL CENTER PERFORMANCE, BLOCKED AND DROPPED CALL RATES,
6 AND THE NUMBER OF COMPLAINTS RECEIVED BY THE COMMISSION FOR EACH
7 WIRELESS TELECOMMUNICATIONS PROVIDER, PER 1,000 SUBSCRIBERS,
8 QUARTERLY. THIS INFORMATION SHALL BE MADE AVAILABLE THROUGH THE
9 COMMISSION'S WEBSITE, PAMPHLETS, OR OTHER MEANS SUITABLE FOR MASS
10 DISTRIBUTION.

11 (3) THE COMMISSION SHALL MONITOR THE DEPLOYMENT OF WIRELESS
12 TELECOMMUNICATIONS NETWORKS AND DEVELOP RULES FOR THE PRODUCTION OF
13 ACCURATE COVERAGE MAPS BY WIRELESS TELECOMMUNICATIONS PROVIDERS IN
14 THE STATE. THE COMMISSION SHALL DEVELOP SIGNAL STRENGTH THRESHOLDS,
15 MEASURED IN DECIBELS RELATIVE TO 1 MILLIWATT, TO BE USED BY
16 WIRELESS TELECOMMUNICATIONS PROVIDERS IN PRODUCING THE COVERAGE
17 MAPS. THE COMMISSION MAY DEVELOP OTHER SERVICE QUALITY
18 MEASUREMENTS, AS APPROPRIATE, SUCH AS ASSESSMENTS OF VOICE OR DATA
19 TRANSMISSION QUALITY. THE COMMISSION SHALL DEVELOP SIGNAL STRENGTH
20 THRESHOLDS THAT IDENTIFY LEVELS OF QUALITY OF SERVICE IN COVERAGE
21 AREAS THAT ARE APPROPRIATE FOR THE POPULATION CHARACTERISTICS AND
22 TERRAIN CONDITIONS IN COVERAGE AREAS OF THE STATE. MAPS MAY ALSO
23 DEPICT OTHER MEASURES OF SERVICE QUALITY, AS APPROPRIATE, THAT
24 SHALL BE DETERMINED BY THE COMMISSION. THE VERIFIED COVERAGE MAPS
25 APPROVED BY THE COMMISSION SHOULD CLEARLY CONVEY INFORMATION
26 REGARDING THE QUALITY OF SERVICE TO THE PUBLIC AND SHOULD HAVE
27 UNIFORM CHARACTERISTICS ACROSS WIRELESS TELECOMMUNICATIONS

1 PROVIDERS TO PROMOTE SERVICE QUALITY COMPARISONS BY CONSUMERS.

2 (4) THE COMMISSION SHALL DEVELOP METHODS TO VERIFY THE
3 ACCURACY OF COVERAGE MAPS SUBMITTED BY WIRELESS TELECOMMUNICATIONS
4 PROVIDERS TO THE COMMISSION FOR APPROVAL TO ENSURE THEIR COMPLIANCE
5 WITH THE RULES ESTABLISHED BY THE COMMISSION UNDER THIS ACT. THE
6 ACCURACY OF THESE MAPS SHOULD BE VERIFIED NO LESS THAN ANNUALLY.
7 THE COMMISSION SHALL MAKE AVAILABLE TO THE PUBLIC COPIES OF
8 VERIFIED ACCURATE COVERAGE MAPS FOR WIRELESS TELECOMMUNICATIONS
9 PROVIDERS OPERATING IN THE STATE.

10 SEC. 382. (1) ALL PROVIDERS OF WIRELESS TELECOMMUNICATIONS
11 SERVICES SHALL PUBLISH VERIFIED COVERAGE MAPS SHOWING THE COVERAGE
12 AREA ASSOCIATED WITH ALL STATEWIDE HOME CALLING AREAS AND EACH
13 CALLING PLAN. WIRELESS TELECOMMUNICATIONS PROVIDERS SHALL MAKE
14 COPIES OF VERIFIED COVERAGE MAPS AVAILABLE TO PROSPECTIVE AND
15 EXISTING SUBSCRIBERS. COVERAGE MAPS SHOULD BE PREPARED IN
16 COMPLIANCE WITH COMMISSION RULES AND SUBMITTED TO THE COMMISSION
17 FOR VERIFICATION AND APPROVAL NO LESS THAN ANNUALLY.

18 (2) WIRELESS TELECOMMUNICATIONS PROVIDERS SHALL PUBLISH RATE
19 INFORMATION IN A CLEAR AND UNDERSTANDABLE FORMAT. ANY RESTRICTIONS
20 ON THE USE OF PACKAGE MINUTES SHOULD BE CLEARLY IDENTIFIED. PRICES,
21 RATES, OR TERM CONTRACTS ASSOCIATED WITH WIRELESS
22 TELECOMMUNICATIONS SERVICES SHALL INCLUDE A DISCLOSURE OF ANY
23 GEOGRAPHIC LIMITATION TO THE ADVERTISED PRICE, RATE, OR TERM
24 CONTRACT. RATE INFORMATION SHOULD INCLUDE A GOOD FAITH ESTIMATE OF
25 THE TOTAL MONTHLY COST OF THE SERVICE, WHICH INCLUDES ANY
26 ADDITIONAL SURCHARGES, CALL SETUP CHARGES, FEES, OR TAXES
27 APPLICABLE TO THE PRICES, RATES, OR TERM CONTRACTS. RATE

1 INFORMATION SHOULD CLEARLY IDENTIFY HOW LONG-DISTANCE CALLING IS
2 TREATED. CONDITIONS UNDER WHICH ROAMING CHARGES APPLY SHOULD BE
3 CLEARLY IDENTIFIED. TERMINATION AND REACTIVATION FEES SHOULD BE
4 CLEARLY STATED.

5 SEC. 383. ANY AGREEMENT OR CONTRACT THE CONSUMER OR SUBSCRIBER
6 MAY EXECUTE SHALL BE A SEPARATE DOCUMENT FROM MARKETING MATERIALS
7 USED TO PROMOTE WIRELESS TELECOMMUNICATIONS PRODUCTS OR SERVICES
8 AND SHALL BE UNAMBIGUOUS AND LEGIBLE. RATES PROVIDED IN AGREEMENTS
9 OR CONTRACTS SHOULD INCLUDE A GOOD FAITH ESTIMATE OF THE TOTAL
10 MONTHLY COST OF A PLAN, INCLUDING TAXES, SURCHARGES, AND OTHER FEES
11 THAT WILL APPEAR ON THE CUSTOMER'S BILL. THE TERMS AND CONDITIONS
12 SPECIFIED IN THE CONTRACT REGARDING PRICES, TERMS OF USE, PACKAGE
13 MINUTES, AND NONGOVERNMENT CHARGES ARE BINDING ON THE PROVIDER
14 DURING THE TERM OF THE PLAN.

15 SEC. 384. FOR A PERIOD OF UP TO 20 DAYS AFTER THE DATE OF THE
16 FIRST BILL FOR THE FIRST FULL MONTH OF SERVICE FOLLOWING SERVICE
17 ACTIVATION, THE WIRELESS TELECOMMUNICATIONS SERVICE SUBSCRIBER
18 SHALL BE ALLOWED, WITHOUT PENALTY, TO CANCEL THE CONTRACT WITH THE
19 WIRELESS TELECOMMUNICATIONS PROVIDER AND RETURN FOR A FULL REFUND
20 ANY WIRELESS TELECOMMUNICATIONS EQUIPMENT ACQUIRED FROM THE
21 WIRELESS TELECOMMUNICATIONS PROVIDER, OR FROM ITS AGENTS OR
22 AUTHORIZED DEALERS. THE SUBSCRIBER REMAINS RESPONSIBLE FOR ANY USE
23 CHARGES INCURRED BEFORE TERMINATION. REFUNDS FOR EQUIPMENT ARE
24 CONTINGENT UPON THE RETURN OF ALL WIRELESS EQUIPMENT IN PROPER
25 WORKING ORDER.

26 SEC. 385. (1) IF A CUSTOMER OF A WIRELESS SERVICE TERMINATES A
27 SERVICE CONTRACT BEFORE THE EXPIRATION DATE OF THE CONTRACT, THE

1 WIRELESS PROVIDER MAY CHARGE THE CUSTOMER A TERMINATION FEE NOT TO
2 EXCEED \$20.00.

3 (2) NOT LESS THAN 30 DAYS FROM THE EXPIRATION DATE OF A
4 SERVICE CONTRACT WITH A PROVIDER OF CELLULAR TELECOMMUNICATION
5 SERVICE, THE PROVIDER SHALL GIVE NOTICE TO THE CUSTOMER OF THE
6 EXPIRATION DATE.

7 (3) AFTER THE INITIAL CONTRACT PERIOD FOR A WIRELESS SERVICE,
8 THE CONTRACT SHALL CONTINUE ON A MONTH-BY-MONTH BASIS AND MAY BE
9 TERMINATED BY THE CUSTOMER UPON A 30-DAY NOTICE TO THE WIRELESS
10 PROVIDER.